

## STATE OF LOUISIANA

800300

VERSUS

CLAY L. SHAW

## INDEX

- 2005 opening statements 2/6/1969 10am  
 2006  
 2007  
 Plumber Files  
 BOX 43  
 2008  
 2009  
 002010  
 002011  
 002012  
 002013  
 002014  
 002015  
 2016
1. Opening Day, February 6, 1969 10 a.m. (Thursday)
  2. Excerpt from Proceedings in Open Court, February 6, 1969  
Opening Statement of District Attorney Garrison
  3. Afternoon of February 6, 1969
  4. Excerpt of Proceedings in Open Court, February 6, 1969 p.m.  
Witnesses: Edwin Lee McGehee  
Reeves Morgan  
John Manchester  
Henry Earl Palmer  
Corrie Collins
  5. Proceedings in Open Court on February 7, 1969 a.m.  
Witnesses: William Dunn, Sr.  
Mrs. Bobbie Dedon  
Mrs. Maxine Kemp
  6. Proceedings in Open Court, Monday, February 10, 1969  
Witness: Perry Raymond Russo
  7. Proceedings in Open Court, Tuesday, February 11, 1969  
Witnesses: Joseph P. Ryan  
Perry Raymond Russo
  8. Proceedings in Open Court, Morning, February 12, 1969
  9. Excerpt of Proceedings in Open Court, Morning, February 12, 1969  
Witness: Andrew J. Sciambra
  10. Excerpt of Proceedings in Open Court, Afternoon, February 12, 1969  
Witness: Andrew J. Sciambra
  11. Excerpt of Proceedings in Open Court Afternoon February 12, 1969  
Witness: Andrew J. Sciambra
  12. Excerpt of the Testimony of Rowland Charles Rolland  
Taken in Open Court During the Afternoon Session on  
February 12, 1969.

(19) but missing page 2  
 (37) but last page 38 missing?

22 pages

133 pages

50 pages

250 pages

282 pages

38 pages

23 pages

92 pages

46 pages

35 pages

Reference Copy, 800 Collect, 800



STATE OF LOUISIANA  
VERSUS  
CLAY L. SHAW

Index  
Page 2 of 4

2017 Got (13) Excerpt of the Testimony of Richard W. Jackson  
Taken in Open Court During the Afternoon  
Session on February 12, 1969. 15 pages

2018 Got (14) Proceedings in Open Court Wednesday, February 12, 1969  
and Thursday, February 13, 1969 41 pages  
Witness: James Hardiman

Numbered Files  
Box 44  
002019 ↓  
002020 Got  
002021  
15. Proceedings in Open Court on February 13, 1969  
Witness: Abraham Zapruder } 98 pages  
Robert West

(16) Thursday, February 13, 1969 - Afternoon  
Court Adjourned 6:25 p.m.  
Witness: Buell Wesley Frazier 40 pages

17. Proceedings in Open Court February 14, 1969 (Friday)  
Witnesses: Buell Wesley Frazier 96 pages  
Lyndal Shaneyfelt  
Wilma Irene Bond

18. Proceedings in Open Court on Friday, February 14, 1969  
Afternoon Session  
Witnesses: Mrs. Wilma I. Bond 102 pages  
Mr. Philip Willis  
Mrs. Philip Willis  
Billy Joe Martin  
Roger Craig  
Mrs. E. C. Walton

19. Proceedings in Open Court on Saturday, February 15, 1969  
Witnesses: James Simmons 53 pages  
Mrs. Frances G. Newman  
Mrs. Mary Moorman

20. Proceedings in Open Court, Monday, February 17, 1969 23 pages  
Witness: Regis L. Kennedy

21. Excerpt from Proceedings in Open Court on February 17, 1969  
Witness: William Eugene Newman, Jr. 23 pages

22. Excerpt from Proceedings in Open Court on February 17, 1969  
(Monday a.m.)  
Witness: Herbert Orth 16 pages

Reference copy, JFK Collection: NSCA (R0 233)

STATE OF LOUISIANA  
VERSUS  
CLAY L. SHAW

Index  
Page 3 of 4

2027 23. Proceedings in Open Court February 17, 1969 (afternoon) and  
February 19, 1969 (Wednesday a.m.) 85 pages  
Witness: John Nichols, M. D.

2028 24. Proceedings in Open Court February 19, 1969 (Wednesday a.m.) 36 pages  
Witness: Richard R. Carr

2029 25. Proceedings in Open Court Afternoon Session, Wednesday,  
February 19, 1969

Witnesses on Traverse:

Louis W. Ivon

Captain Louis Curole

Aloysius Habighorst

Louis J. Curole

Jonas J. Butzman

John N. Perkins, Jr.

Edward F. Wegmann

Salvatore Panzeca

Clay L. Shaw - Got this section only pages 153-188

2030 26. Proceedings in Open Court February 20, 1969 a.m. and p.m. 51 pages

2031 27. Proceedings in Open Court on Friday, February 21, 1969  
Witness: Marina Oswald Porter 121 pages

2032 28. Proceedings in Open Court on Friday Afternoon, February 21, 1969

Witnesses: Lloyd J. Cobb

Miss Goldie Naomie

Rex L. Kommer 76 pages

2033 29. Proceedings in Open Court Friday, February 21, 1969 and  
Saturday, February 22, 1969

Witness: Robert A. Frazier 198 pages

2034 30. Proceedings in Open Court Saturday, February 22, 1969

Witness: Mrs. Ruth Hyde Paine 44 pages

2035 31. Proceedings in Open Court Monday, February 24, 1969 a.m.

Witness: Pierre A. Finck, M. D. 90 pages

2036 32. Proceedings in Open Court Monday, February 24, 1969 p.m.

Witness: Pierre A. Finck, M. D. 144 pages (148 pages actually)

2037 33. Proceedings in Open Court, Tuesday, February 25, 1969 a.m.

Witness: Pierre A. Finck, M. D. 39 pages

Reference copy, JFR Collection: BSCA (RD 233)

STATE OF LOUISIANA VERSUS CLAY L. SHAW

Index - Page 4 of 4

34. Excerpt from the Proceedings to Tuesday Morning, Feb. 25, 1969  
Witness: Dean A. Andrews, Jr. 162 pages
35. Proceedings in Open Court February 25, 1969 p.m.  
Witnesses: Robert S. Link, Jr.  
Charles A. Appel, Jr. 59 pages
36. Proceedings in Open Court February 25, 1969 p.m.  
Witness: Arthur Jefferson Biddison 28 pages
37. Proceedings in Open Court of Wednesday, February 26, 1969  
Witness: James R. Phelan 93 pages
38. Proceedings in Open Court of February 26, 1969 p.m.  
Witness: Jessie Garner 16 pages
39. Proceedings in Open Court of February 26, 1969 p.m.  
Witness: Lt. Edward O'Donnell 22 pages
40. Excerpt from Proceedings of Thursday, February 27, 1969, 9:00 a.m.  
Witnesses: Edward O'Donnell  
Arthur Q. Davis 11 pages
41. Excerpt from the Proceedings of Thursday Morning, Feb. 27, 1969  
Witness: Clay L. Shaw 82 pages
42. Excerpt from Proceedings in Open Court Afternoon Session  
February 27, 1969  
Witness: Nicholas Tadin 33 pages
43. Excerpt from Proceedings in Open Court Afternoon Session  
February 27, 1969  
Witness: Mrs. Nicholas M. Tadin 15 pages
44. Excerpt of Proceedings in Open Court on Feb. 28, 1969 a.m.  
Witnesses: Dr. John Marshall Nichols  
Peter Schuster  
Mrs. Elizabeth McCarthy  
Beginning of Closing Arguments - pp. 103 - Alcock 171 pages
45. Proceedings in Open Court of Friday, February 28, 1969  
Closing Argument - Alvin V. Oser 159 pages - 10408 agency # 2048
46. Excerpt of Proceedings in Open Court on February 28, 1969  
Dymond Argument  
Alcock Argument 137 pages
47. Proceedings in Open Court of Friday, February 28, 1969  
Jim Garrison's Closing Argument 21 pages # agency 2051
48. Proceedings in Open Court Beginning Friday, February 28, 1969  
Judge Haggerty's Charge to the Jury  
Verdict rendered 1:05 a.m., March 1, 1969 - 10411 agency 2052 - 10412

Reference copy, JFK Collection: NCJ (NO 233)

Agency #2049  
- 10409  
Dymond closing  
10410  
Agency 002650

Box 45 cont

238\* Got

239\* Got

240\* Got

Numbered Files  
Box 46

002046  
002047

002048

002049

002050

002051

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002055

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002057

002058

002059

002060

002061

002062

002063

002064

002065

002066

002067

002068

002069

002070

002071

# OUT OF ORDER

2048

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STATE OF LOUISIANA  
VERSUS  
CLAY L. SHAW  
February 1969

List of Witnesses

NAME	VOLUME NUMBER
Andrews, Dean A. Jr.	34
Appell, Charles A. Jr.	35
Biddison, Arthur Jefferson	36
Bond, Wilma Irene	17, 18
Butzman, Jonas J.	25
Carr, Richard R.	24
Cobb, Lloyd J.	28
Collins, Corrie	4
Craig, Roger	18
Curole, Captain Louis	25
Davis, Arthur Q.	40
Dedon, Mrs. Bobbie	5
Dunn, William Sr.	5
Finck, Pierre A. M. D.	31, 32, 33
Frazier, Buell Wesley	16, 17
Frazier, Robert A.	29
Garner, Jessie	38
Habighorts, Aloysius	25
Hardiman, James	14
Ivon, Louis W.	25
Kemp, Mrs. Maxine	5
Kennedy, Regis L.	20
Kommer, Rex L.	28
Link, Robert S. Jr.	35
McCarthy, Mrs. Elizabeth	44
McGehee, Edwin Lee	4
Manchester, John	4
Martin, Billy Joe	18
Moorman, Mrs. Mary	19
Morgan, Reeves	4
Naomie, Miss Goldie	28
Newman, Mrs. Frances G.	19
Newman, William Eugene, Jr.	21
Nichols, John, M.D.	23, 44
O'Donnell, Lt. Edward	39, 40
Orth, Herbert	22
Paine, Mrs. Ruth Hyde	30
Palmer, Henry Earl	4
Panzeca, Salvatore	25
Perkins, John N. Jr.	25
Phelan, James R.	37
Porter, Marina Oswald	27
Russo, Perry Raymond	6, 7

RELEASED PER P.L. 102-552 (H.R. ACT)  
NARA YBW 12/14/83

STATE OF LOUISIANA  
VERSUS  
CLAY L. SHAW  
February 1969

List of Witnesses

NAME	VOLUME NUMBER
Schuster, Peter	44
Sciambra, Nadres J.	9, 10, 11
Shaneyfelt, Lyndal	17
Shaw, Clay L.	25, 41
Simmons, James	19
Tadin, Nicholas	42
Tadin, Mrs. Nicholas M.	42
Walton, Mrs. E. C.	18
Wegmann, Edward F.	25
West, Robert	15
Willis, Mr. Philip	18
Willis, Mrs. Philip	18
Zapruder, Abraham	15

2005

OPENING DAY OF THE SHAW CASE

FEBRUARY 6, 1969

10:00 A.M.

THIS COPY FOLLOWED BY GARRISON'S  
OPENING STATEMENT ALREADY TRANS-  
CRIBED.

Reference copy, JFK Collection: HSCA (RG 233)

Dietrich & Pickett, Inc.  
*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130 - 522-3111

Exnicios which states as follows:

"In keeping with the message from you through your Minute Clerk, John Sullivan, I enclose a statement from Dr. F. J. Padua concerning my client. Since Mr. Beauboeuf has filed an affidavit to the effect that he does not wish to avail himself of this privilege, I have no other alternative but to supply the Court with the exhibit, which is hereby handcarried to be delivered to and receipted for by the Court. I would, however, request that an order be issued by you overruling my previous objection and requiring the production of this exhibit."

I have so ordered. I overrule his objection and require the production of it. I am turning it over to the Property Clerk as an exhibit in this case.

MR. ALCOCK:

Your Honor, that is not a part of the

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4  
1 official record at this time, is  
2 it?

3 THE COURT:

4 I am merely putting it as an exhibit  
5 to be offered at the right time,  
6 not as a part of the case. It  
7 hasn't been offered by either side  
8 as an exhibit.

9 Now, I believe that disposes of it, Mr.  
10 Klein.

11 MR. KLEIN:

12 Yes, sir, it does.

13 THE COURT:

14 That means that I sustain your inter-  
15 vention, and that brings us up to  
16 the other motion. May I have the  
17 State's answer?

18 MR. ALCOCK:

19 The State at this time files its answer  
20 to Motion for Protective Order,  
21 serving copies of the answer on  
22 Defense Counsel and providing the  
23 Court with its formal answer (hand-  
24 ing document to the Court).

25 THE COURT:

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1 Take this down, Mrs. Dietrich. It is  
2 very short and I will read it into  
3 the record.

4 "Now into Court comes the State of  
5 Louisiana, through the undersigned  
6 Assistant District Attorney for  
7 the Parish of Orleans, for the  
8 purpose of answering the Defendant's  
9 Motion for Protective Order, and  
10 does answer as follows:

11 "I.

12 "The Defendant's request for a protective  
13 order is completely foreign to the  
14 law of Louisiana. Article 61 of  
15 the Louisiana Code of Criminal  
16 Procedure provides in part that  
17 the District Attorney 'determines  
18 whom, when and how he shall prose-  
19 cute' any violation of the criminal  
20 law within his jurisdiction. Counsel  
21 for the Defendant has not, nor  
22 indeed can he, cite any law to the  
23 contrary. The Court simply is with-  
24 out authority to grant the relief  
25 sought.

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1 "The State of Louisiana, therefore,  
2 respectfully requests this Honor-  
3 able Court to deny the Defendant's  
4 Motion for Protective Order.

5 "WHEREFORE, the State prays that this  
6 answer be deemed good and suffi-  
7 cient in law and that the Defendant's  
8 Motion be denied."

9 I will be glad to hear from you, Mr.  
10 Dymond, oral argument.

11 MR. DYMOND:

12 If the Court please, in asking for this  
13 protective order, we have asked  
14 for the only thing which will  
15 satisfy Counsel for Sandra Moffett  
16 McMaines and persuade him to make  
17 this witness available to us. We  
18 realize that the order which we  
19 have requested goes outside the  
20 scope of the protection which is  
21 offered by the Interstate Witness  
22 Act, which, of course, guarantees  
23 immunity from arrest only for past  
24 actions. However, we submit that  
25 Article 17 of the Louisiana Code

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1 of Criminal Procedure in general  
2 terms gives the Court authority  
3 to issue such an order, wherein  
4 that Article states that: "A  
5 court possesses inherently all  
6 the powers necessary for the  
7 exercise of its jurisdiction and  
8 the enforcement of its lawful  
9 orders, including the authority  
10 to issue such writs and orders as  
11 may be necessary or proper to aid  
12 in its jurisdiction. It has the  
13 duty to require that criminal pro-  
14 cedures shall be conducted with  
15 dignity and in an orderly, expedi-  
16 tious manner, and to so control  
17 the proceedings that justice is  
18 done. The court has the power to  
19 punish for contempt."

20 Now, if the Court please, as has been  
21 made public, Perry Raymond Russo  
22 contended that Sandra Moffett  
23 McMaines was with him on the night  
24 of the party in question. Sandra  
25 Moffett McMaines has publicly denied

Reference copy, JFK Collection: ESCA (RG 233)

8

1 this, stating that she did not  
2 even make the acquaintance of  
3 David Ferrie until sometime in  
4 the year 1965. This lady has  
5 moved to the state of Iowa, which  
6 has no provision for sending a wit-  
7 ness to this state contrary to that  
8 witness's wishes. We feel that she  
9 is an essential witness here, she  
10 is needed for the proper presenta-  
11 tion of this case, and we ask that  
12 the Court exercise the power granted  
13 by Article 17 and furnish the pro-  
14 tection which her lawyer has demanded  
15 as a condition precedent to his  
16 advising her to come to Louisiana  
17 to testify.

18 THE COURT:

19 Well, the State's answer certainly is  
20 legally sufficient. I have not  
21 heard of it being done, nor have  
22 I heard of it being done in the  
23 state.

24 MR. DYMOND:

25 I think it was done for Gordon Novel,

Reference copy, JFK Collection: HSCA (RG 233)

1 Your Honor.

2 THE COURT:

3 He was charged as a material witness.

4 Now, if a person is charged as a  
5 material witness, I can put them  
6 in jail under a bond. Are you  
7 suggesting that we charge this  
8 person as a material -- she has  
9 been charged and we weren't able  
10 to get her back.

11 MR. DYMOND:

12 She has been charged and she has been  
13 unable to be obtained. That is  
14 exactly why we need the protective  
15 order, Your Honor. Her attorney  
16 has stated those are the only con-  
17 ditions under which he will permit  
18 her to come here to Louisiana. In  
19 blunt terms, she is fearful of  
20 arrest by the District Attorney's  
21 Office.

22 MR. ALCOCK:

23 Your Honor, I would like to have an  
24 opportunity to respond --

25 THE COURT:

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10

I will give you that opportunity.

MR. ALCOCK:

-- to Counsel's remarks.

THE COURT:

Counsel, the only solution I can think  
of is to put her in the Parish  
Prison.

MR. DYMOND:

We have to get her here first.

MR. WEGMANN:

We have to get her here first.

THE COURT:

First promising to keep her safe, if  
that is what you mean.

I will be glad to hear you, Mr. Alcock.

MR. ALCOCK:

Your Honor, the Court has recognized  
that the State limited itself in  
its answer to the sole legal issue  
presented to the Court, and that  
is whether or not this Court has  
the power to grant immunity to  
anyone, no matter who that person  
may be, from prosecution. As the  
Court well knows, the District

Reference copy, JFK Collection: HSCA (Rg 233)

12

11

1 Attorney is granted complete powers  
2 as to whom, when and how he shall  
3 prosecute. I would like to make  
4 it clear at this time that the  
5 State of Louisiana, the District  
6 Attorney's Office for Orleans Parish,  
7 does not intend to clamp this woman  
8 in irons the moment that she crosses  
9 the parish line. However, the State  
10 cannot accede to something that is  
11 outside the law. In effect, this  
12 Court would be going outside the  
13 law and granting to the Defense  
14 something which they are not en-  
15 titled to. If this witness comes  
16 into our parish and commits any  
17 violation of the law, it would not  
18 only be -- we would not only charge  
19 her but it would be our duty to  
20 charge her lest we be charged with  
21 malfeasance in office, and this is  
22 our position. We do not intend to  
23 arrest this girl should she come  
24 back. As a matter of fact, if the  
25 record were made straight, the

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12

reason she is in Iowa is because we attempted to get her back first by the usual procedure of the Interstate Witness Act, and she ran to a state which is not signatory to that Act and therefore she is beyond the bounds of this court using that particular vehicle, but I would assure the Court the District Attorney's Office has no intention of arresting this girl merely because she is present in this parish, but if she does commit a crime in this parish, she like anyone else is not above arrest and prosecution. She will be prosecuted.

THE COURT:

Her fears are unfounded, in other words?

MR. ALCOCK:

Her fears are completely unfounded.

THE COURT:

Do you wish to be heard at this time,

Mr. Dymond?

MR. DYMOND:

Yes, sir. If the Court please, as a

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13

practical matter it doesn't make any difference whether Your Honor or whether we are convinced as to whether this girl's fears are unfounded. We are trying to convince her attorney that those fears are unfounded, and we have no way in which to do that. I think it is the State's responsibility to see that justice is done. The State wants her here, we now want her here. If we are in accord, I think we have a way of getting her here, by the issuance of that order.

THE COURT:

We have been trying to get her back for about a year and a half. I think the State made the first effort to get her here. They certainly were trying to get her back before you people.

MR. DYMOND:

We have been assured by her attorney that she will come here if this order is issued.

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14

1 THE COURT:

2 I cannot issue it. You have a statement  
3 from the District Attorney that he  
4 has no intent of putting this person  
5 in jail. If her attorney can't  
6 accept that, I don't know what he  
7 can accept.

8 MR. DYMOND:

9 I can't stand here and tell you what her  
10 attorney will accept other than  
11 what he told me that he would  
12 accept, and he says that the only  
13 condition under which he will per-  
14 mit her to come to Louisiana is  
15 with a protective order of the kind  
16 that we have requested.

17 THE COURT:

18 I am going to rule that your motion is  
19 denied.

20 Now let's bring the Jury down, and take  
21 your Bill of Exception.

22 (Jury brought to the box.)

23 THE COURT:

24 Are both the State and the Defense ready  
25 to proceed?

Reference copy, JFK Collection: ESCA (RG 233)

15

1 MR. DYMOND:

2 We are ready.

3 MR. ALCOCK:

4 The State is ready.

5 MR. DYMOND:

6 If the Court please, in the presence of  
7 the Jury I would like to reserve a  
8 bill of exception to Your Honor's  
9 overruling our Motion for a protec-  
10 tive order for Sandra Moffett  
11 McMaines, making parts of the Bill  
12 our exhibits filed with the Motion.

13 THE COURT:

14 Very well.

15 Are the State and the Defense ready to  
16 proceed at this time?

17 MR. DYMOND:

18 We are, and at this time, if the Court  
19 please, we will ask for a seques-  
20 tration of witnesses.

21 THE COURT:

22 Just a minute. Those witnesses whose  
23 names have been enumerated and  
24 those who know they will be wit-  
25 nesses whose names were not on

Reference copy, JFK Collection: HSCA (RG 233)

16

1 there are requested to step out-  
2 side of the courtroom.

3 MR. DYMOND:

4 Your Honor, we will ask that you also  
5 require the State to advise any  
6 person whom they intend to use as  
7 a witness, whether that person be  
8 aware of it or not, to step outside  
9 the courtroom, and the Defense will  
10 do the same.

11 THE COURT:

12 I think that is a fair request.

13 All right. The State and the Defense  
14 are both ordered by the Court, if  
15 they know a person is to be a wit-  
16 ness, to ask that person to step  
17 outside, whether their name is  
18 listed on the record or not.

19 MR. ALCOCK:

20 Your Honor, may I have a five-minute  
21 recess in order to discuss this  
22 with Defense Counsel?

23 THE COURT:

24 We will take a five-minute recess. There  
25 is no need to send the Jury back.

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17  
~~(Whereupon, a brief recess was taken.)~~

2 AFTER THE RECESS:

3 THE COURT:

4 Gentlemen, are the State and the Defense  
5 ready to proceed?

6 MR. ALCOCK:

7 Yes, sir.

8 I have complied with your request, Mr.

9 Dymond, and following our confer-  
10 ence I have requested all witnesses,  
11 whether named or not, to get out of  
12 the courtroom.

13 MR. WILLIAM WEGMANN:

14 One of your witnesses I wish you would  
15 instruct is Mr. Matt Herron. I  
16 saw him before and he was still  
17 here.

18 MR. ALCOCK:

19 Would you repeat his name?

20 MR. WEGMANN:

21 Matt Herron.

22 THE BAILIFF:

23 I just sent him out, Judge.

24 THE COURT:

25 If the State and the Defense are ready

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18

1 to proceed, the first order of  
2 business is the opening statement  
3 by the District Attorney.

4 MR. DYMOND:

5 Is Your Honor going to have the Indictment  
6 read to the Jury first?

7 THE COURT:

8 I think that is a very good idea.

9 First let the record reflect that the  
10 jurors were individually sworn  
11 after they were accepted, so the  
12 jurors have been officially sworn  
13 for the trial of the case.

14 All right. Mr. Sullivan, read the Indict-  
15 ment to the Jury, please.

16 THE CLERK: (reading)

17 "INDICTMENT.

18 "The Grand Jurors of the State of

19 Louisiana, duly impaneled and  
20 sworn in and for the body of the  
21 Parish of Orleans, in the name and  
22 by the authority of the said State,  
23 upon their oath, PRESENT That one  
24 CLAY L. SHAW, late of the Parish  
25 of Orleans, between the 1st day of

Reference copy, JFK Collection: HSCA (RG 233)

19

September and the 10th day of

October, in the year of our Lord,

One Thousand, Nine Hundred Sixty-

three, with force and arms in the

Parish of Orleans aforesaid, and

within the jurisdiction of the

Criminal District Court for the

Parish of Orleans did wilfully and

unlawfully conspire with DAVID W.

FERRIE, herein named but not charged,

and LEE HARVEY OSWALD, herein named

but not charged, and others, not

herein named, to murder JOHN F.

KENNEDY, contrary to the form of

Statute of the State of Louisiana

in such cases made and provided

and against the peace and dignity

of the same.

"(Signed) ALVIN V. OSER, Assistant

District Attorney for the Parish

of Orleans.

"No. 198-059 (M-703)

"Section 'C'

"STATE OF LOUISIANA versus CLAY L. SHAW

"INDICTMENT FOR VIO. R.S. 14:26(30)

Reference copy, JFX Collection: HSCA (Rg 233)

28

1 "TRUE BILL/s/ ALBERT V. LaBICHE, Foreman 9

2 of Grand Jury

3 "New Orleans, March 22, 1967

4 "Returned in open Court and recorded and  
5 filed March 22, 1967

6 "/s/GEORGE W. PLATT, Minute Clerk."

7 THE COURT:

8 We will now hear the opening statement  
9 by the District Attorney.  
10  
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Reference copy, JFK Collection: HSCA (RG 233)



2006

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.....  
STATE OF LOUISIANA . 198-059  
vs. . 1426(30)  
CLAY L. SHAW . SECTION "C"  
.....

EXCERPT FROM PROCEEDINGS IN OPEN  
COURT ON THURSDAY, FEBRUARY 6, 1969,

B E F O R E : THE HONORABLE EDWARD A. HAGGERTY, JR.,  
JUDGE, SECTION "C"

Dietrich & Pickett, Inc.  
*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130 - 522-3111

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2

OPENING STATEMENT OF THE DISTRICT ATTORNEY

1  
2 MR. GARRISON:

3 May it please the Court:

4 Gentlemen of the Jury, you have been im-  
5 posed on, to some extent unavoidably,  
6 because you have to be sequestered,  
7 and I am about to impose on you one  
8 more time, because I have to read to  
9 you a rather lengthy opening state-  
10 ment. The reason I have to read it  
11 is because under our law we cannot  
12 introduce evidence which has not  
13 been described, at least generally,  
14 in the opening statement, so as a  
15 result prosecuting attorneys in  
16 Louisiana have to read their opening  
17 statements in order to make sure they  
18 have touched every point of evidence  
19 that they intend to introduce. So I  
20 hope you will bear with me, and I  
21 will try and make it as painless as  
22 possible.

23 I am going to read it verbatim, because  
24 I intend to give a copy to the Defense  
25 for their convenience as soon as I

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1 finish, and I want the copy I give  
2 them to be precisely the same as I  
3 have given you.

4 The State of Louisiana is required by law  
5 in all criminal trials to make an  
6 opening statement to the Jury. This  
7 statement is merely a blueprint of  
8 what the State intends to prove. It  
9 has no probative value and should  
10 not be considered as evidence in the  
11 case.

12 The defendant, CLAY L. SHAW, is charged  
13 in a bill of indictment with having  
14 willfully and unlawfully conspired  
15 with DAVID W. FERRIE, LEE HARVEY  
16 OSWALD and others to murder JOHN F.  
17 KENNEDY.

18 The crime of criminal conspiracy is to  
19 find in the Criminal Code of Louisiana  
20 as follows:

21 "CRIMINAL CONSPIRACY

22 "Criminal conspiracy is the agreement or  
23 combination of two or more persons  
24 for the specific purpose of committing  
25 any crime; provided that an agreement

1 or combination to commit a crime  
2 shall not amount to a criminal con-  
3 spiracy unless, in addition to such  
4 agreement or combination, one or more  
5 of such parties does an act in fur-  
6 therance of the object of the agree-  
7 ment or combination."

8 As required by the definition of criminal  
9 conspiracy, the State will prove the  
10 following overt acts:

- 11 1. A meeting of LEE HARVEY OSWALD, DAVID  
12 W. FERRIE and the defendant, CLAY L.  
13 SHAW, in the apartment of DAVID W.  
14 FERRIE at 3330 Louisiana Avenue  
15 Parkway in the City of New Orleans  
16 during the month of September, 1963.
- 17 2. Discussion by OSWALD, FERRIE and the  
18 defendant, SHAW of means and methods  
19 of execution of the conspiracy with  
20 regard to assassination of JOHN F.  
21 KENNEDY -- particularly, the selec-  
22 tion and use of rifles to be fired  
23 from multiple directions simultaneous  
24 ly to produce a triangulation of cross  
25 fire, establishing and selecting the

means and routes of escape from the  
assassination scene, determination of  
procedures and the places to be used  
for some of the principals to the  
conspiracy so as to establish alibis  
on the date of the assassination.

3. A trip to the West Coast of the United  
States by CLAY L. SHAW during the  
month of November, 1963.

4. A trip by DAVID W. FERRIE from New  
Orleans, Louisiana to Houston, Texas  
on the day of November 22, 1963.

5. LEE HARVEY OSWALD taking a rifle to the  
Texas Book Depository in Dallas,  
Texas on or before November 22, 1963.

The Criminal Code defines Murder in the  
following terms:

MURDER

"Murder is the killing of a human being:

"(1) When the offender has a specific  
intent to kill or to inflict great  
bodily harm;"

The evidence will show that in New Orleans,  
in the Summer of 1963, LEE HARVEY  
OSWALD was engaged in bizarre activi-

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6  
1 which we in effect are, there are  
2 two courses of action that can be  
3 taken by a defendant ordinarily.

4 One is to prove that he was else-  
5 where at the time of the alleged  
6 happening.

7 Let me say now that this would be impos-  
8 sible. First of all, never at any  
9 stage of these proceedings has the  
10 State seen fit to set forth any  
11 precise date upon which this meet-  
12 ing is supposed to have taken place,  
13 and even if they had done that, Mr.  
14 Shaw would have been called upon to  
15 go back three and a half years and  
16 account for his whereabouts at a  
17 particular time. I don't have to  
18 tell you the impossibility of doing  
19 such a task as that.

20 The other alternative that a defendant  
21 has is to prove that whoever said  
22 that he was at such a meeting or  
23 committed such an act lies. And,  
24 gentlemen, I stand here now and  
25 tell you that we will prove that

1 Cuba Committee in New Orleans. The  
2 other item taken by Officer RAY was  
3 a pamphlet entitled "The Truth  
4 About Cuba" published by the Fair  
5 Play for Cuba Committee, 799 Broadway,  
6 New York 3, New York. In conjunction  
7 with Officer RAY's testimony, the  
8 State will offer into evidence  
9 copies of these two pieces of  
10 literature.

11 The evidence will further show that in  
12 June, 1963, the defendant, CLAY SHAW,  
13 was present at a party given in an  
14 apartment in the French Quarter of  
15 this City. Among the guests at the  
16 party was DAVID FERRIE, a man known  
17 as an accomplished airplane pilot.  
18 During the course of the party, the  
19 conversation among a small group of  
20 those present turned to President  
21 JOHN F. KENNEDY. In this group were  
22 DAVID FERRIE and the defendant, CLAY  
23 SHAW. The comment was made that  
24 PRESIDENT KENNEDY should be killed  
25 and that the job could best be done

1 by a rifle. At this point, the  
2 defendant, CLAY SHAW, suggested  
3 that the man doing the shooting  
4 would probably be killed before he  
5 could make his escape. The defendant,  
6 after making this observation, turned  
7 to FERRIE and asked if it might not  
8 be possible to fly the gunman from  
9 the scene of the shooting to safety.  
10 DAVID FERRIE replied that this would  
11 be possible. At this point, the  
12 conversation was turned to other  
13 subjects.

14 Later in June of 1963, the defendant,  
15 CLAY SHAW, was observed speaking  
16 to LEE HARVEY OSWALD on the lake-  
17 front in the City of New Orleans.  
18 The defendant arrived at the lake-  
19 front in a large, black 4-door sedan,  
20 and was there met by LEE HARVEY  
21 OSWALD, who had walked to the meeting  
22 point along the lakefront from a  
23 westerly direction. The defendant  
24 and OSWALD had a conversation which  
25 lasted approximately fifteen minutes.



1 At the conclusion of this conversa-  
2 tion, the defendant gave OSWALD  
3 what appeared to be a roll of money  
4 which he immediately placed in his  
5 pocket. In shoving the money into  
6 his pocket, OSWALD dropped several  
7 leaflets to the ground. These leaf-  
8 lets were yellow in color with black  
9 printing and dealt with Cuba. The  
10 color, contents and size of these  
11 leaflets were identical with the  
12 "Fair Play for Cuba Committee" leaf-  
13 let taken from OSWALD earlier that  
14 month on the Dumaine Street Wharf by  
15 Harbor Police Patrolman GIROD RAY.

16 The evidence will show that on August 9,  
17 1963, LEE HARVEY OSWALD was  
18 arrested by members of the New Orleans  
19 Police Department as a result of his  
20 becoming involved in a fight with  
21 several Cubans who were protesting  
22 his passing out "Fair play for Cuba  
23 Committee" literature. This litera-  
24 ture was confiscated by the New  
25 Orleans Police Department. The State

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1 will offer into evidence three of  
2 the seized items, one of which is a  
3 yellow leaflet with black print  
4 entitled "Hands Off Cuba!" This is  
5 the same type of leaflet taken from  
6 OSWALD at the Dumaine Street Wharf  
7 on June 16, 1963, and also the same  
8 as the leaflet dropped by OSWALD at  
9 the lakefront in the latter part of  
10 June, 1963. The State will also  
11 introduce the Bureau of Identifica-  
12 tion photograph taken of LEE HARVEY  
13 OSWALD at the time of his booking.

14 A week later, on August 16, 1963, LEE  
15 HARVEY OSWALD was again distributing  
16 "Fair play for Cuba" leaflets. Once  
17 again the distribution was done more  
18 as if to attract attention than to  
19 actually accomplish distribution.  
20 The actual distribution lasted only  
21 a few minutes, ending shortly after  
22 the news media departed. The State  
23 will introduce pictures and a tele-  
24 vision tape of this distribution,  
25 which took place in front of the

1 International Trade Mart whose  
2 Managing Director at the time was  
3 the defendant, CLAY SHAW.

4 The State will show further, that in the  
5 latter part of August or the early  
6 part of September, 1963, LEE HARVEY  
7 OSWALD went to Jackson, Louisiana, a  
8 small town located not far from Baton  
9 Rouge, Louisiana. While in Jackson,  
10 he talked to witnesses in reference  
11 to his getting a job at the East  
12 Louisiana State Hospital in Jackson,  
13 Louisiana and registering to vote in  
14 that parish, so as to be able to get  
15 the job. The State will introduce  
16 the witnesses who talked to LEE  
17 HARVEY OSWALD on this occasion.

18 The State will show that shortly thereafter,  
19 still in late August or early September,  
20 1963, the defendant, CLAY L.  
21 SHAW, LEE HARVEY OSWALD and DAVID W.  
22 FERRIE drove into Clinton, Louisiana  
23 -- which is very close to Jackson --  
24 in a black Cadillac, parking the  
25 Cadillac near the Voter Registrar's

1 Office on St. Helena Street. While  
2 the defendant, CLAY L. SHAW and  
3 DAVID W. FERRIE remained in the car,  
4 LEE HARVEY OSWALD got out of the car  
5 and got in line with a group of  
6 people who were waiting to register.

7 The State will introduce witnesses who  
8 will testify that they saw the black  
9 Cadillac parked in front of the  
10 Registrar's Office and who will  
11 identify the defendant, CLAY L. SHAW,  
12 LEE HARVEY OSWALD and DAVID W. FERRIE  
13 as the individuals in that car. The  
14 State will introduce a witness who  
15 talked to the defendant, CLAY L.  
16 SHAW, on this occasion. In asking  
17 MR. SHAW for his identification, he  
18 was told by the defendant, that  
19 he (SHAW) was from the International  
20 Trade Mart in New Orleans, Louisiana.

21 The State will introduce a witness who  
22 will identify LEE HARVEY OSWALD as  
23 the person he talked to in the  
24 Registrar's Office and who will also  
25 identify the defendant, CLAY SHAW,

1 and DAVID W. FERRIE as the two men  
2 seated in the black Cadillac that  
3 brought LEE HARVEY OSWALD to Clinton,  
4 Louisiana.

5 The State will also introduce into evi-  
6 dence a photograph of a black Cadillac  
7 car that the witnesses will identify  
8 as either the same car or one identi-  
9 cal to the one that they saw in  
10 Clinton that day.

11 The evidence will show that in the month  
12 of September, 1963, the defendant,  
13 CLAY SHAW, DAVID FERRIE and LEE  
14 HARVEY OSWALD participated in a meet-  
15 ing in which plans for the murder of  
16 President JOHN F. KENNEDY were dis-  
17 cussed and refined. This meeting  
18 took place in DAVID FERRIE's apart-  
19 ment at 3330 Louisiana Avenue Park-  
20 way in the City of New Orleans.

21 SHAW (using the name of CLEM BERTRAND)  
22 FERRIE and OSWALD (using the first  
23 name of LEON), discussed details of  
24 the conspiracy in the presence of  
25 PERRY RAYMOND RUSSO, after FERRIE

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gave assurance that RUSSO was all right.

The plan brought forth was that the president would be killed with a triangulation of cross fire with at least two gunmen, but preferably three, shooting at the same time. One of the gunmen, it was indicated, might have to be sacrificed as a scapegoat or patsy to allow the other participants time to make their escape. No one indicated to OSWALD at the meeting that he was going to be the scapegoat and there was no indication of any awareness on his part of such an eventuality.

They also discussed alternate routes of escape, including the possibility of flying to other countries. The defendant and DAVID FERRIE agreed that as part of the plan they would make sure they were not at the scene of the assassination. Their plan for the day of the shooting was to be engaged in a conspicuous activity in the

1 presence of as many people as possi- 1  
2 ble. The defendant, SHAW, stated he  
3 would go to the West Coast of the  
4 United States. FERRIE, not as posi-  
5 tive about his alibi, said he thought  
6 he might make a speech at a college  
7 in Hammond, Louisiana. As the State  
8 will show, SHAW made his way to the  
9 West Coast and FERRIE, after his long  
10 drive back from Texas, made his way  
11 to Hammond, Louisiana, where he  
12 slept, not in a hotel room, but on a  
13 bed in a college dormitory.

14 By a month after the meeting, LEE OSWALD  
15 had moved into a rooming house in  
16 Dallas under an assumed name. By  
17 the following month when the time for  
18 the President's parade arrived,  
19 OSWALD was on the parade route at  
20 the Texas School Book Depository,  
21 where a job had been found for him.  
22 By the night of Friday, November 22nd  
23 the president was dead, FERRIE was  
24 driving through a thunderstorm to  
25 Houston, Texas and the defendant,

1 SHAW, was out on the West Coast.

2 LEE OSWALD, however, was in a Dallas  
3 jail ending up as the scapegoat.

4 As to the planning -- the conspiracy --  
5 our jurisdiction is limited to New  
6 Orleans, although we will later offer  
7 evidence concerning the assassination  
8 in Dealey Plaza in Dallas --

9 MR. DYMOND:

10 Excuse me. If the Court please, we object  
11 to this.

12 THE COURT:

13 On what ground?

14 MR. DYMOND:

15 The Court has repeatedly ruled that the  
16 actual assassination in Dallas has  
17 no place in this case, that there  
18 may have been 50 conspiracies, as  
19 Your Honor put it, to assassinate  
20 President Kennedy. A conspiracy  
21 within this jurisdiction is alleged,  
22 the overt acts have been alleged.  
23 The State is certainly bound by the  
24 answer to the application for a bill  
25 of particulars as to overt acts.



1 Consequently, any other allegations 11  
2 or any other proof as to additional  
3 acts by anyone would be outside the  
4 scope of these pleadings.

5 THE COURT:

6 I need not hear further.

7 MR. DYMOND:

8 -- irrelevant to the issues.

9 THE COURT:

10 Objection overruled. I cannot tell the  
11 state how to run its case. If they  
12 wish to overprove their case, they  
13 may do so.

14 MR. DYMOND:

15 If the Court please, I wish to call the  
16 Court's attention to the case of  
17 State vs (Peterson) --

18 THE COURT:

19 What is the name of it?

20 MR. DYMOND:

21 -- cited at 95 So. 2d 603; State vs. White,  
22 cited in 153 So. 2d 401, and State  
23 vs. Mann, cited in 202 So. 2d. 259,  
24 all three of which cases are to the  
25 effect that when the State answers

1 an application for a bill of  
2 particulars setting forth certain  
3 particulars in connection with an  
4 alleged crime, that the State is  
5 bound by this answer for an applica-  
6 tion, cannot go outside the scope --

7 THE COURT:

8 I will be glad to hear from you, Mr.  
9 Alcock.

10 MR. ALCOCK:

11 The State is bound, and the State -- and  
12 Mr. Dymond knows that, we have  
13 argued this point many times in  
14 the picking of this Jury -- the State  
15 is as a matter of fact bound by its  
16 answers to the bill of particulars.  
17 The State must prove one or more of  
18 those overt acts, but, as this Court  
19 rightly points out, the State may  
20 overprove its case all it wants to.  
21 If it underproves its case it is out  
22 of court, but if it overproves it,  
23 that is its own wishes and its own  
24 will.

25 Additionally, these facts are certainly

1 corroborative of a conspiracy which  
2 talked of triangulation of cross fire, o  
3 a scapegoat and of a patsy. These  
4 facts are purely corroborative, and  
5 I would cite to the Court State vs.  
6 Kelly, a Louisiana case which may be  
7 found at 112 So. 2d 694.

8 There is no dispute between myself and  
9 Mr. Dymond as to the State being  
10 bound on the answers to the bill of  
11 particulars. This Court has no dis-  
12 pute with that, as I appreciate its  
13 comments during the picking of the  
14 Jury. The sole issue is are we going  
15 to be circumscribed by Mr. Dymond's  
16 wishes or are we going to be allowed  
17 to prove our case, and, if we want to  
18 overprove it, to overprove it, and I  
19 think the Court has properly ruled  
20 that this area may be gone into as  
21 one to be corroborative, and, No. 2,  
22 if the State wishes to overprove its  
23 case, it may.

24 MR. DYMOND:

25 If the Court please, I am not asking that

20

1 the State be circumscribed by my  
2 wishes, I am asking that they be  
3 circumscribed by the law. Your Honor  
4 stated from this bench during the  
5 voir dire that the State is definitely  
6 bound and restricted by the answer  
7 to the application for particulars.  
8 Your Honor would have to make a  
9 180-degree turn on your rulings on  
10 the voir dire to the effect that we  
11 could not even go into the question  
12 of what prospective jurors felt about  
13 what happened in Dallas, whether  
14 President Kennedy was killed as a  
15 result of a conspiracy.

16 MR. ALCOCK:

17 Your Honor, I can remember vividly Mr.  
18 Dymond on at least two occasions,  
19 perhaps more, asking this Court point  
20 blank and directly, are you going to  
21 deny the State the right to go into  
22 Dallas? And this Court repeatedly  
23 said, "I cannot do such a thing. We  
24 will cross that bridge when we come  
25 to it. If the State wants to over-

1 prove its case, the state may over-  
2 prove its case." The Court has  
3 consistently held that, contrary to  
4 what Mr. Dymond is now saying.

5 MR. DYMOND:

6 Your Honor, unfortunately, there was one  
7 bridge we had to cross before we  
8 came to it, and that was the selec-  
9 tion of a jury, and Your Honor would  
10 not permit us to go into Dallas at  
11 all on the voir dire, and I submit  
12 that that ruling is absolutely con-  
13 trary to any contention at this  
14 time that the State has a right in  
15 their evidence to go into this ques-  
16 tion.

17 THE COURT:

18 I don't know if you cited the d'Ingianni  
19 Case, but I tried the d'Ingianni Case  
20 and I remember specifically the  
21 Supreme Court stating although the  
22 State is limited in its proof, if the  
23 State were to prove, say, nine other  
24 overt acts but did not prove one of  
25 the six, I would have to grant you a

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1 directed verdict, but I will agree  
2 with the State's position that they  
3 can corroborate their evidence, and  
4 I therefore overrule your objections.

5 MR. DYMOND:

6 To which ruling Counsel reserves a bill of  
7 exception, making the opening state-  
8 ment being made by Mr. Garrison,  
9 Counsel's objections to the content  
10 of the opening statement, together  
11 with the reasons therefor and the  
12 ruling part of the bill.

13 THE COURT:

14 Your point is, "As to the planning -- "

15 MR. GARRISON:

16 As to the planning -- the conspiracy --  
17 our jurisdiction is limited to New  
18 Orleans, although we will later offer  
19 evidence concerning the assassination  
20 in Dealey Plaza in Dallas because it  
21 confirms the existence of a con-  
22 spiracy and because it confirms the  
23 significance and relevance of the  
24 planning which occurred in New  
25 Orleans.

1 It is the position of the State of

2 Louisiana that, regardless of the  
3 power which might bring about the  
4 execution of a President of United  
5 States, whether it be initiated by a  
6 small group or the highest possible  
7 force, neither the planning of his  
8 murder nor any part of it, will be  
9 regarded in Louisiana as being above  
10 the law.

11 And so, with DAVID FERRIE now dead and  
12 LEE OSWALD now dead, the State is  
13 bringing to trial CLAY SHAW for his  
14 role -- as revealed by evidence --  
15 in participating in the conspiracy  
16 to murder JOHN F. KENNEDY.

17 Returning our attention to the cluttered  
18 apartment of DAVID FERRIE: The  
19 evidence will show that PERRY RUSSO  
20 had been a fairly close friend of  
21 DAVID FERRIE for some time prior to  
22 the meeting between the defendant,  
23 FERRIE and LEE HARVEY OSWALD.

24 The evidence further will show that PERRY  
25 RUSSO first met LEE HARVEY OSWALD

1 at DAVID FERRIE's apartment~~us~~ shortly  
2 before the principal meeting between  
3 the named conspirators took place.

4 At this meeting OSWALD, who was clean-  
5 ing a bolt-action rifle with a tele-  
6 scopic sight, was introduced to

7 RUSSO by FERRIE as LEON. PERRY-RUSSO

8 saw LEE HARVEY OSWALD at FERRIE's  
9 apartment at least once after the  
10 meeting of the conspirators. On this  
11 occasion OSWALD appeared to be having  
12 some difficulty with his wife and he  
13 gave RUSSO the impression he was  
14 leaving town.

15 RUSSO also had seen the defendant, SHAW,  
16 once before the meeting. This was  
17 at the Nashville Street Wharf at the  
18 time PRESIDENT KENNEDY was speaking  
19 there in the Spring of 1962. The  
20 defendant, SHAW, also was seen by  
21 RUSSO with DAVID FERRIE subsequent  
22 to the assassination at FERRIE's  
23 service station in Jefferson parish.

24 The State will also introduce other evi-  
25 dence to show that CLAY SHAW, LEE



1 HARVEY OSWALD and DAVID FERRIE knew  
2 each other. - 25

3 In connection with the testimony of PERRY  
4 RUSSO, the State will introduce into  
5 evidence pictures of the defendant,  
6 DAVID FERRIE and LEE HARVEY OSWALD,  
7 as well as pictures of the exterior  
8 and interior of DAVID FERRIE's apart-  
9 ment at 3330 Louisiana Avenue Park-  
10 way, and other corroborating evi-  
11 dence.

12 In connection with photographic evidence  
13 the State will qualify PETER SCHUSTER  
14 of the Orleans Parish Coroner's Office  
15 as an expert in the field of photo-  
16 graphy.

17 The evidence will further show that the  
18 defendant in accordance with the plan  
19 and in furtherance of it, did in  
20 fact head for the West Coast of the  
21 United States -- ostensibly to make  
22 a speech -- on November 15, 1963.  
23 He remained there until after  
24 PRESIDENT KENNEDY's assassination on  
25 November 22, 1963, thereby establish-

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1 ing an alibi for himself for the day  
2 of the shooting.

26

3 The State will offer into evidence a  
4 ledger sheet of travel consultants  
5 and testimony which reflects the  
6 arrangements made by the defendant,  
7 SHAW, to go to the West Coast. This  
8 travel consultant firm -- which in  
9 1963 was located in the International  
10 Trade Mart -- was the same firm which  
11 arranged for LEE OSWALD to go to  
12 Europe, from which he went to Russia,  
13 several years earlier.

14 The State will show that FERRIE drove to  
15 Houston on the day of the assassina-  
16 tion, departing from New Orleans on  
17 the evening of November 22nd -- some  
18 hours after the President was killed  
19 and two days before LEE OSWALD was  
20 killed. FERRIE drove, with two  
21 young companions, through a severe  
22 storm for the ostensible purpose of  
23 going ice skating in Houston. Upon  
24 arriving in Houston, FERRIE and his  
25 companions went to the Winterland

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27  
1 skating rink where FERRIE loudly  
2 and repeatedly introduced himself to  
3 the manager of the rink. Despite  
4 the fact that he had driven all the  
5 way from New Orleans to Houston for  
6 the purpose of ice skating, DAVID  
7 FERRIE never put on any ice skates  
8 at all. While his young friends  
9 skated, FERRIE stood by the public  
10 pay phone as if waiting for a call.

11 The evidence will further show that

12 earlier, after LEE OSWALD's departure  
13 from New Orleans, he took a short  
14 trip to Mexico and then made his way  
15 to Dallas. On October 14, 1963, he  
16 rented a room at 1026 N. Beckley  
17 Street under the fictitious name of  
18 O. H. LEE. Two days later he went  
19 to work at the Texas School Book  
20 Depository, which was located at the  
21 intersection of Houston and Elm  
22 Streets in Dallas, Texas.

23 At the Book Depository, BUELL WESLEY

24 FRAZIER was employed in the order  
25 filling department. FRAZIER lived

1 in Irving, Texas, a suburb of Dallas, 28  
2 and was a co-worker of OSWALD's.

3 OSWALD's wife and baby daughter also  
4 lived in Irving with MRS. RUTH PAINE,  
5 a friend of the OSWALDS. FRAZIER's  
6 sister, LINNIE MAY RANDALL, was a  
7 neighbor of MRS. PAINE's in Irving.

8 Since OSWALD had an apartment in Dallas,  
9 he made arrangements with FRAZIER  
10 to ride to Irving with him only on  
11 weekends. OSWALD thereafter rode  
12 to Irving with BUELL FRAZIER every  
13 Friday except the one immediately  
14 preceding the assassination.

15 OSWALD did not go to see his wife  
16 and daughter on that weekend because  
17 he said, he was working on getting  
18 his driver's license. However, that  
19 next week OSWALD once more broke his  
20 ritual with FRAZIER. On Thursday,  
21 November 21, 1963, LEE HARVEY OSWALD  
22 asked FRAZIER if he could ride to  
23 Irving that night for the purpose of  
24 picking up some curtain rods for his  
25 apartment. On Friday morning,

1 November 22, 1963, BUELL WESLEY

2 FRAZIER drove OSWALD from Irving to  
3 the Texas School Book Depository.

4 OSWALD had with him a package wrapped  
5 in brown wrapping paper. When he  
6 inquired as to its contents, FRAZIER  
7 will testify, OSWALD replied that  
8 the package contained the curtain  
9 rods he had returned home to pick  
10 up the night before. FRAZIER will  
11 further testify that OSWALD told him  
12 that he would not be returning to  
13 Irving that night, Friday, November  
14 22, 1963.

15 BUELL FRAZIER will testify that he entered  
16 the Texas School Book Depository  
17 building that morning about 50 feet  
18 behind LEE OSWALD. OSWALD was still  
19 carrying the package. FRAZIER will  
20 testify that he saw OSWALD a couple  
21 of times that morning, but never saw  
22 the package again. Around noon of  
23 that day, FRAZIER went to the front  
24 steps of the Texas School Book  
25 Depository to watch the presidential

1 motorcade which was due to pass  
2 directly in front of the Book  
3 Depository as it made its turn off  
4 Houston Street onto Elm Street.  
5 While the motorcade was passing,  
6 FRAZIER heard three shots which  
7 sounded like they came from the area  
8 of the underpass -- near the grassy  
9 knoll -- in front of the President.

10 At the conclusion of FRAZIER's testimony,  
11 the State will introduce into evi-  
12 dence pictures of a paper sack  
13 found in the Texas School Book De-  
14 pository, as well as pictures of  
15 Dealey Plaza as it appeared on the  
16 day of the assassination.

17 With regard to the assassination itself,  
18 the State will establish that on  
19 November 22, 1963, President JOHN F.  
20 KENNEDY and Governor JOHN CONNALLY,  
21 who was riding in the same limousine  
22 were wounded as a result of gunshot  
23 fired by different guns at different  
24 locations. Furthermore, the State  
25 will show that PRESIDENT KENNEDY him-

31  
1 self was struck by a number of  
2 bullets coming from different guns  
3 at different locations -- thus show-  
4 ing that more than one person was  
5 shooting at the president. The  
6 evidence will show that he was struck  
7 in the front as well as the back --  
8 and that the final shot which struck  
9 him came from in front of him, knock-  
10 ing him backwards in his car. Once  
11 again, since LEE OSWALD was in the  
12 Book Depository behind the President,  
13 this will show that a number of men  
14 were shooting and that he was,  
15 therefore, killed as the result of  
16 conspiracy.

17 The State, in showing that a number of  
18 guns were fired during the assassina-  
19 tion of President JOHN F. KENNEDY, R  
20 will offer, in addition to eye-  
21 witnesses, various photographs and  
22 motion pictures of what transpired  
23 in Dealey Plaza on November 22, 1963.

24 First, the State will offer an 8mm color  
25 motion picture film taken by Abraham

1           Zapruder, commonly known as the  
2           Zapruder film. This film, which  
3           has not been shown to the public,  
4           will clearly show you the effect of  
5           the shots striking the president.  
6           In this connection we will also offer  
7           slides and photographs of various  
8           individual frames of this film. The  
9           State will request permission from  
10          the Court to allow you, the jury, to  
11          view this material. Thus, you will  
12          be able to see --- in color motion  
13          picture -- the President as he is  
14          being struck by the various bullets  
15          and you will be able to see him fall  
16          backwards as the fatal shot strikes  
17          him from the front, not the back but  
18          the front.

19          Also, the State will introduce as evidence  
20          certain other photographs and motion  
21          picture films, taken during the  
22          assassination, as listed below:

- 23          1. The "Moorman picture" which is a  
24               polaroid photograph taken by Mary  
25               Moorman in Dealey Plaza on November



22, 1963. In addition to this

33

picture, but in connection with it,  
the State will offer various blow-up  
prints of this photograph.

2. Various photographs taken by Mr.

Philip Willis in Dealey Plaza on  
November 22, 1963.

3. Various photographs taken by Miss

Wilma Bond in Dealey Plaza on  
November 22, 1963.

4. A motion picture film with slides

and photographs taken by Mr. John  
Martin on November 22, 1963.

The State will qualify ROBERT H. WEST,

the County Land Surveyor for Dallas

County, Texas, as a licensed regis-

tered public surveyor and thus compe-

tent to testify as an expert as to

the topographical aspects of Dealey

Plaza, Dallas, Texas. In conjunc-

tion with the testimony of MR. WEST,

the State will offer into evidence a

certified survey, an aerial photo-

graph and a mock-up of Dealey plaza.

The State will also qualify DR. ROBERT

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1 SHAW as an expert in the field of  
2 medicine, and in connection with  
3 this testimony we will offer x-rays  
4 and medical records concerning  
5 GOVERNOR CONNALLY's wounds and treat-  
6 ment at Parkland Memorial Hospital  
7 in Dallas, Texas.

8 The State will qualify and offer the testi-  
9 mony of DR. JOHN NICHOLS, a medical  
10 expert in the field of forensic  
11 medicine and pathology. In connec-  
12 tion with his testimony the State  
13 will offer certain exhibits, x-rays  
14 and photographs into evidence.

15 Furthermore, during the presentation of  
16 this case, the State will qualify  
17 and offer the testimony of Special  
18 Agent ROBERT A. FRAZIER of the  
19 Federal Bureau of Investigation as  
20 an expert in the field of ballistics.  
21 Special Agent LYNDA SHANEYFEIT,  
22 is a photographic expert with the  
23 Federal Bureau of Investigation,  
24 be qualified and will testify.

25 The State also will present eyewitness

1 testimony, corroborating what is  
2 shown in the Zapruder film, that  
3 the President's fatal shot was re-  
4 ceived from the front and that he was  
5 thrown backward -- not forward --  
6 from the force of this fatal shot.  
7 The eyewitness testimony will also  
8 show that the shooting came from a  
9 number of directions and that, there-  
10 fore, the President was murdered,  
11 not by a lone individual behind him  
12 but as the result of a conspiracy to  
13 kill him.

14 We will then show that a few minutes after  
15 the shooting LEE OSWALD came running  
16 down the grass in front of the Book  
17 Depository, that he climbed into a  
18 station wagon with another man at  
19 the wheel and that this station wagon  
20 pulled away and disappeared into the  
21 traffic on Elm Street.

22 The evidence will further show that short-  
23 ly after the assassination of  
24 PRESIDENT KENNEDY, on November 25,  
25 1963, agents of the Federal Bureau

1 of Investigation interviewed DEAN

2 A. ANDREWS, JR. in his room at Hotel

3 Dieu Hospital in New Orleans. As a

4 result of this interview with DEAN

5 ANDREWS, a local attorney, the

6 Bureau began a systematic and thorough

7 search for a "CLAY BERTRAND."

8 A man who identified himself as "CLAY

9 BERTRAND" called ANDREWS the day

10 after the President's assassination

11 requesting him to defend LEE HARVEY

12 OSWALD, who by then had been formally

13 charged with the murder of JOHN F.

14 KENNEDY. The State will introduce

15 evidence in the course of this case

16 showing that the defendant, CLAY

17 SHAW, and the "CLAY BERTRAND" who

18 called DEAN ANDREWS on behalf of

19 LEE HARVEY OSWALD, are one and the

20 same person.

21 The evidence will further show that some

22 time during the year 1966 the de-

23 fendant CLAY SHAW, requested the

24 U.S. Post Office to deliver mail

25 addressed to him at his residence at

1 1313 Dauphine Street to 1414

2 Chartres Street, the residence of a  
3 long-time friend, JEFF BIDDISON.

4 This change of address order was  
5 terminated on September 21, 1966.

6 During the period that the change of  
7 address remained in effect, the U.S.  
8 Post Office letter carrier for that  
9 route delivered at least five letters  
10 to 1414 Chartres Street addressed to  
11 "CLEM BERTRAND," the name used by  
12 the defendant at the meeting between  
13 himself, DAVID FERRIE and LEE HARVEY  
14 OSWALD in FERRIE's apartment in  
15 mid-September, 1963. None of the  
16 letters addressed to "CLEM BERTRAND"  
17 were ever returned to the postal  
18 authorities for any reason. The  
19 period during which these letters  
20 addressed to "CLEM BERTRAND" were  
21 delivered to 1414 Chartres Street  
22 preceded by at least six months the  
23 publication of the fact that the  
24 Orleans Parish District Attorney's  
25 Office was investigating the

2007

AFTERNOON OF FEBRUARY 6, 1969

DYMOND'S OPENING STATEMENT

THIS VOLUME IS FOLLOWED BY AN  
ALREADY TRANSCRIBED VOLUME <sup>(2008 Clinton Witnesses)</sup> OF  
133 PAGES, TO THE END OF THE  
AFTERNOON OF THE FIRST DAY.

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Dietrich & Pickett, Inc.  
Stenotypists

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130-522-3111

1 . . . Pursuant to the recess, the proceed-  
2 ings herein were resumed at 1:40 o'clock p.m.,  
3 appearances being the same as heretofore  
4 noted in the record . . . .

5 THE COURT:

6 Gentlemen, I have been requested by Mr.  
7 Bob Jones, representing the news  
8 media, all angles of it, to take  
9 a short recess after Mr. Dymond  
10 makes his opening remarks. I told  
11 them I would comply with that re-  
12 quest.

13 (Jury returned to the box.)

14 THE COURT:

15 Are the State and the Defense ready to  
16 proceed?

17 MR. ALCOCK:

18 We are ready.

19 MR. DYMOND:

20 The Defense is ready.

21 THE COURT:

22 Make a note that the Jury is in panel,  
23 the Defendant present, and both  
24 sides ready to proceed.

25 The status of the case is that the State

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1 has made their opening remarks, and  
2 it is the option of the Defense  
3 whether they wish to make an open-  
4 ing statement or not.

5 MR. DYMOND:

6 May it please Your Honor:

7 Gentlemen of the Jury, as Judge Haggerty  
8 has stated, the Defense is not  
9 required to make an opening state-  
10 ment in criminal court, but it does  
11 have that right. We are here exer-  
12 cising that right, and while we do  
13 not intend to set forth in this  
14 opening statement every detail of  
15 the defense which we intend to pre-  
16 sent, there are certain salient  
17 facts in connection with that de-  
18 fense which I feel should be men-  
19 tioned at this time.

20 THE COURT:

21 Just a second, Mr. Dymond.

22 I notice the reporters straining back  
23 there. Would it inconvenience you  
24 to take that microphone and hold it  
25 up? I think it is a movable micro-

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4  
phone.

MR. DYMOND:

Your Honor, I would rather not carry a microphone around with me. If they want to set one up here, that is all right.

THE COURT:

Set it up.

MR. DYMOND:

Gentlemen, let me say here and now that we are not here to defend the findings of the Warren Commission. In our humble opinion, that is not this case at all, and should not and is not to be confused with the issues in this case. We have neither the inclination nor the desire, nor did we have the money to try to do that. The Warren Commission interviewed some 25,000 witnesses, and we certainly did not have the resources to undertake any such thing as that.

In opening, let me say that although the defendant in a criminal case is not called upon to prove anything, it

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5  
1 is our intention to prove to you  
2 that not only did Clay Shaw not  
3 engage in a conspiracy with David  
4 Ferrie and Lee Harvey Oswald to  
5 assassinate President Kennedy, but  
6 that he never knew nor ever laid  
7 eyes on either of these two indi-  
8 viduals.

9 Now, it is our intention in the defense  
10 of this case to strike at the very  
11 core of the State's case, that is,  
12 the alleged conspiratorial meeting  
13 between David Ferrie, Lee Harvey  
14 Oswald, and Mr. Clay Shaw (indi-  
15 cating).

16 We will show you that this alleged meet-  
17 ing was never even conceived until  
18 after the death of David Ferrie,  
19 the last living barrier between the  
20 State's hand-picked Defendant here  
21 and the tragedy of this prosecution.  
22 When David Ferrie died, the roaches  
23 came out of the woodwork.

24 Now, in a case of this kind when you are  
25 called upon to prove a negative,

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1 which we in effect are, there are  
2 two courses of action that can be  
3 taken by a defendant ordinarily.  
4 One is to prove that he was else-  
5 where at the time of the alleged  
6 happening.

7 Let me say now that this would be impos-  
8 sible. First of all, never at any  
9 stage of these proceedings has the  
10 State seen fit to set forth any  
11 precise date upon which this meet-  
12 ing is supposed to have taken place,  
13 and even if they had done that, Mr.  
14 Shaw would have been called upon to  
15 go back three and a half years and  
16 account for his whereabouts at a  
17 particular time. I don't have to  
18 tell you the impossibility of doing  
19 such a task as that.

20 The other alternative that a defendant  
21 has is to prove that whoever said  
22 that he was at such a meeting or  
23 committed such an act lies. And,  
24 gentlemen, I stand here now and  
25 tell you that we will prove that

1 the man who claims this, Perry  
2 Raymond Russo, is a liar, a notoriety-  
3 seeking liar whose name does not  
4 deserve to be mentioned in the same  
5 sentence with honesty, justice, and  
6 propriety. We will prove that to  
7 you gentlemen.

8 Now, gentlemen, I think that at this  
9 stage it would be well for us to go  
10 into the history of Perry Raymond  
11 Russo's rise from obscurity to fame.

12 MR. ALCOCK:

13 Your Honor, I am going to object at this  
14 time. This is more an argument than  
15 an opening statement. They are not  
16 outlining the proof that they will  
17 attempt to adduce during the course  
18 of their trial. This is going be-  
19 yond an opening statement.

20 MR. DYMOND:

21 If the Court please, I intend to prove --

22 THE COURT:

23 I will be glad to hear from you, Mr.

24 Dymond, but it is bordering on  
25 argument rather than a bird's eye

view of what you hope to prove.

MR. DYMOND:

If the Court please, I said I intend to  
prove Perry Raymond Russo is a liar  
and --

THE COURT:

That is going to some other matter.

MR. DYMOND:

I am trying to --

THE COURT:

That is going into history.

MR. DYMOND:

Certainly. It is going into the history  
of his participation in this case  
and pointing out the individual's  
history which we intend to prove.

THE COURT:

It is argumentative. I agree that it is  
argumentative.

MR. DYMOND:

Your Honor, I am not permitted to present  
what evidence I can present to show  
this man is lying? Is that your  
ruling?

THE COURT:

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9  
1 My ruling is that you can't argue.

2 MR. DYMOND:

3 I am not going to argue.

4 THE COURT:

5 Present whatever you intend to prove.

6 MR. DYMOND:

7 I will say what evidence I intend to  
8 prove.

9 THE COURT:

10 You may proceed.

11 MR. DYMOND:

12 We will begin from Perry Russo's first  
13 entrance into this case, gentlemen.

14 A few days after the death of David  
15 Ferrie, Russo wrote a letter to the  
16 District Attorney saying that he  
17 knew David Ferrie and some of his  
18 friends, "and I am willing to tell  
19 you what I know about them."

20 That was Move Number One that we will  
21 prove.

22 The following day, which was February 24,  
23 1967, Perry Russo was interviewed  
24 by a reporter by the name of Bill  
25 Bankston who works for the Baton

18

1 Rouge State Times, in Baton Rouge.

2 Russo we will show later told a  
3 witness that this interview lasted  
4 approximately 45 minutes, and that  
5 he granted it because he wanted to  
6 get down with somebody everything  
7 that he knew about the case. We  
8 will show that in this interview on  
9 February 24 with Bill Bankston,  
10 Perry Raymond Russo did not mention  
11 Clay Shaw, Clay Bertrand, Clem  
12 Bertrand, nor any conspiratorial  
13 meeting.

14 We will show that when Mr. Bankston's  
15 story appeared in the Baton Rouge  
16 State Times, the reporters more or  
17 less converged on Russo. He was  
18 interviewed by at least three news-  
19 men in Baton Rouge. To none of  
20 these three newsmen did Perry Raymond  
21 Russo mention anything about Clay  
22 Shaw, Lee Harvey Oswald, Clay Ber-  
23 trand or Clem Bertrand, nor did he  
24 say a word about an alleged conspir-  
25 atorial meeting.

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1 That gets us up to February 24.

2 Then on the next day, February 25, 1967,  
3 we will show that Mr. Sciambra,  
4 Assistant District Attorney parti-  
5 cipating in this case, went to Baton  
6 Rouge to interview Perry Raymond  
7 Russo; that the interview lasted in  
8 the neighborhood of three to three  
9 and a half hours; that Mr. Sciambra  
10 returned to New Orleans, and on  
11 February 27, two days later, wrote  
12 a memorandum consisting of approxi-  
13 mately 3,500 words, reporting to  
14 Jim Garrison, the District Attorney,  
15 the information which he had gotten  
16 from Russo.

17 We will show, gentlemen, that nowhere in  
18 the report of this interview is  
19 there any mention of Clem Bertrand,  
20 Clay Shaw, a conspiratorial meeting  
21 -- nothing whatsoever! We will show  
22 that this man, Russo, was asked by  
23 Mr. Sciambra whether he had ever  
24 seen Clay Shaw. He was shown a  
25 picture of Clay Shaw. He said, "Yes,



12

I have seen him twice, once at the Nashville Avenue wharf and once in an automobile at David Ferrie's filling station" -- no mention, gentlemen, being made of any contention that he had seen him at a conspiratorial meeting at David Ferrie's apartment, no mention whatsoever of the very heart of this case against Clay L. Shaw, that is, a meeting between Mr. Shaw, Ferrie, and Oswald, wherein a conspiracy to kill President Kennedy was hatched. It will show none of those things.

Shortly after the memorandum of February 27, which was based on the February 25 interview, Perry Raymond Russo testified in the preliminary hearing in connection with this case, giving a very vivid description of a conspiratorial meeting, placing Clay Shaw there, saying that he had seen Shaw three time now -- once at the Nashville Avenue wharf, once at Ferrie's filling station, and at

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1 this conspiratorial meeting. That  
2 came out in the preliminary hearing.

3 Now, after the preliminary hearing, and,  
4 more specifically, on March 21, 1967,  
5 Perry Raymond Russo admitted to a  
6 reporter for a nationally syndicated  
7 magazine that the first time that he  
8 had ever mentioned this alleged  
9 conspiratorial meeting was after he  
10 came down here to New Orleans, after  
11 he had given a 3,500-word account  
12 of what he knew to Mr. Sciambra.

13 These things, gentlemen, will be shown  
14 to you by competent evidence.

15 Now, in April of 1967 this reporter,  
16 noting the peculiarities of Russo's  
17 statements, had many conversations  
18 with him during this month of April.  
19 We will show that during one of  
20 these conversations Russo told this  
21 man in effect these words: "If  
22 Garrison knew what I told my priest  
23 after the hearing, he would go  
24 through the ceiling." The reporter  
25 didn't press him, but the man went

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1 on and volunteered what he had told  
2 his priest. He told the priest that  
3 he would like to get alone with Mr.  
4 Shaw in a room and hear him -- in  
5 his words "talk and breathe, so that  
6 I can resolve some of the doubts  
7 that are in my mind about his iden-  
8 tification."

9 When this was told to the reporter,  
10 gentlemen, we will show you that the  
11 reporter volunteered to set up such  
12 a meeting, and did tentatively  
13 arrange such a meeting between the  
14 Defendant Clay Shaw and Perry Ray-  
15 mond Russo. We will show that at  
16 the last minute Perry Raymond Russo  
17 cancelled the plans for this meeting,  
18 telling the reporter that he was  
19 afraid to participate in it because  
20 if Garrison ever heard about it he  
21 would hit the ceiling.

22 We will then show that later on Perry  
23 Russo admitted to this reporter,  
24 "I have lied to you about why I  
25 didn't go through with the meeting.

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I was afraid to get with Mr. Shaw  
for fear I would find out that I  
was mistaken." He said, "If I  
should find that out, I don't know  
what I could do. I could go to  
Mexico, I could go to California  
and become a beatnik, but I couldn't  
run away from myself."

So he would not go through with this  
meeting.

Later on this same reporter had a conver-  
sation with Russo in which Russo  
admitted to him that he does not  
know the difference between truth  
and fantasy. We will prove that by  
the testimony of a competent witness.

The final meeting that this reporter had  
with Perry Russo was on May 28, 1967,  
here in New Orleans. At this meet-  
ing the reporter pointed out to  
Russo the many inconsistencies in  
his statements, the past things  
that Russo had said to him, and  
Russo replied, "I can't argue with  
any of that. It has been bouncing

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1 around in my head, but I don't know  
2 what to do. I have no way out  
3 without getting clobbered. If I  
4 stick to my story, Shaw and the  
5 lawyers will get me, and if I change  
6 my story, Garrison will ruin me."

7 We will show you, Gentlemen of the Jury,  
8 that that is the type of witness  
9 with which the State hopes to prove  
10 this conspiratorial meeting.

11 There is another witness whose name was  
12 mentioned in connection with an  
13 alleged happening on the New Orleans  
14 Lakefront. I am going to generalize  
15 on this witness and merely assure  
16 you that we will show to you and  
17 prove to you that this witness is  
18 totally unworthy of belief by any  
19 jury or anyone else, and certainly  
20 not the type of person on whom any  
21 conviction of any kind could ever  
22 be based.

23 Now, gentlemen, there are other witnesses  
24 who will be presented, to whom Russo  
25 has made admissions as to the

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falsity of his testimony. They will  
be presented to you during the course  
of this trial.

Now, in closing, I would like to touch  
briefly upon three of the alleged  
overt acts. I say three of them,  
because two of them are necessarily  
embodied in the Russo contention  
which I feel has been adequately  
covered. The overt acts to which  
I have reference are, first, the  
trip by Mr. Clay L. Shaw to the  
West Coast of the United States.

Let me say here and now that we will not  
try in any way to dispute the fact  
that this trip was taken. It was  
taken. We will present evidence  
to you that this trip was taken  
in the course of Mr. Shaw's employ-  
ment. He went on a speaking engage-  
ment for the World Trade Conference,  
not at his solicitation but at the  
solicitation of the person in charge  
of arranging speakers at this World  
Trade Conference.

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In this connection we will further point  
out that as the State contends  
there was need for an alibi for Mr.  
Shaw, there is no way in the world  
of feeling that an alibi could be  
necessary. We will show that he  
was employed at the Trade Mart and  
engaged in his occupation every day,  
associating with upper echelon  
people who could certainly account  
for his whereabouts at any time.  
We will next get onto the trip by David  
Ferrie to Houston on the night of  
the assassination. Actually we  
will show you that had David Ferrie  
wanted an alibi, he went from a  
real good alibi to a not so good  
alibi. David Ferrie on the day of  
the assassination was actively  
engaged, as we will prove to you,  
as an investigator on the staff of  
G. Wray Gill, a local attorney who  
was handling the case of the United  
States versus Carlos Marcello. We  
will show that it had been a pro-

longed case, that Mr. Ferrie had  
been in attendance at that case.

The case ended on the day of the  
assassination, and what better wit-  
ness as to his whereabouts than a  
Federal Judge and Federal Court  
first of all. We will show that  
Ferrie went to a party after the  
Marcello case ended on that day.  
We will also show that there was  
no way of telling when the case  
would end.

With respect to the overt act concerning  
Oswald taking the gun from the  
residence of Mrs. Paine to the Book  
Depository in Dallas, gentlemen, it  
is our sincere belief that there is  
no need whatsoever for us to go into  
this. Clay Shaw, as we will prove  
to you, did not even know Lee Harvey  
Oswald. It is our firm and sincere  
contention that what went on in  
Dallas, Texas, had nothing to do  
with this case.

Before closing, I would merely like to

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remind you gentlemen that we are  
not trying the Warren Report in  
this courtroom, and I will ask that  
you be careful, scrutinize yourselves  
so as not to permit the pageantry of  
the presentation of evidence con-  
cerning what happened in Dealey  
Plaza to obscure the actual issues  
in this case. I implore you to be  
careful about that, and I feel con-  
fident that after having heard all  
of the evidence, your one alternative  
will be a verdict of not guilty.

Thank you.

THE COURT:

Now, Sheriff, take the Jury upstairs.  
At the request of Mr. Jones, I am  
going to take a ten-minute recess.  
We will reconvene at 2:15. Take  
the Jury upstairs.

(Whereupon, a brief recess was taken.)

AFTER THE RECESS:

(Jury returned to the box.)

THE COURT:

Are the Defense and the State ready to

proceed?

MR. DYMOND:

We are ready.

MR. ALCOCK:

The State is ready.

THE COURT:

Mr. Dymond, I notice Article 765 of the  
Code of Criminal Procedure states:

"The normal order of trial shall be as  
follows:

"Number 1. The selection and swearing  
of the jurors.

"Number 2. Reading of the indictment.

"Number 3. Reading of the defendant's  
plea on arraignment."

Could we have it in the record?

MR. DYMOND:

Your Honor, as we have previously agreed,  
if we have not heretofore done so  
we now enter a plea of not guilty  
and waive all delays after that plea.

THE COURT:

I just wanted to show you that if you  
forget to do it there are cases in  
point that it is not reversible

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error. I just wanted the record  
to show.

MR. DYMOND:

We agreed to do that before anyway.

THE COURT:

Is the State ready to proceed, Mr. Alc

MR. ALCOCK:

Yes, Your Honor.

THE COURT:

Call your first witness.

MR. ALCOCK:

The State calls Mr. Lee McGehee.

Reference copy, JFK Collection: HSCA (RG 233)



I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
EDWIN LEE McGEHEE	2	30	35	36
	--	--	37	--
REEVES MORGAN	39	47	--	--
JOHN MANCHESTER	52	65	--	--
HENRY EARL PALMER	77	96	99	100
CORRIE COLLINS	102	113	--	--

E X H I B I T S

<u>EXHIBIT NO.</u>	<u>IDENTIFIED</u>
STATE EXHIBIT 1	4
STATE EXHIBIT 2	56
STATE EXHIBIT 3	84
DEFENDANT EXHIBIT 1	
DEFENDANT EXHIBIT 2	

Mc Gehee

EDWIN LEE McGEHEE,

a witness called by and on behalf of the State,  
having been first duly sworn, was examined and  
testified as follows:

DIRECT EXAMINATION

BY MR. ALCOCK:

Q Mr. McGehee, I want you to just relax and  
speak as clearly as you can. And, for  
the record, would you state your full  
name.

A Edwin Lee McGehee.

Q Mr. McGehee, where do you reside?

A In Jackson, Louisiana.

Q Approximately how far is Jackson, Louisiana,  
from New Orleans, Louisiana -- approximate-  
ly, if you know?

A Say about 120 miles north.

Q And approximately how far would Jackson,  
Louisiana, be from Clinton, Louisiana, if  
you know?

A It would be about I think 13 or 14 miles.

Q Approximately, Mr. McGehee, if you know, how  
long a ride is it by automobile from  
New Orleans, Louisiana, to Jackson,  
Louisiana?

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A I don't know, it has been a good while since  
I took that trip; I would say two and a  
half hours maybe, approximately.

Q Mr. McGehee, what is your occupation?

A A barber.

Q And how long have you been a barber?

A Twelve years.

Q And do you have a barber shop at Jackson,  
Louisiana?

A Yes.

Q Have you done most of your barbering in that  
City, that is, in Jackson, Louisiana?

A Yes, the whole time.

Q Approximately what is the population of Jackson,  
Mr. McGehee?

A About 3,000 people.

Q Back in 1963 would there have been much dif-  
ference in the population then?

A Yes, it was less than that; it would be proba-  
bly 2,000 then. They incorporated some  
more since then.

Q Would you say, Mr. McGehee, that -- let me ask  
you this question first: Did you say that  
you had been barbering in Jackson for 12  
years? Is that correct?

1 A Right.

2 Q Then I take it that you would have been bar-  
3 bering there in the summer of 1963, would  
4 that be correct?

5 A Right.

6 Q Are you pretty well, or were you in the summer  
7 of 1963, Mr. McGehee, pretty well familiar  
8 with most of the residents of the Jackson  
9 area?

10 A Yes.

11 Q Would it be very often that a stranger would  
12 come into your barber shop?

13 A Very seldom.

14 Q Mr. McGehee, I am going to show you a photo-  
15 graph which I shall now mark for purposes  
16 of identification "State Exhibit No. 1"  
17 after I show it to Defense Counsel, and  
18 ask you if you recognize the person in  
19 that picture.

20 (Whereupon, the photograph referred  
21 to by Counsel was duly marked for  
22 identification as "State Exhibit  
23 No. 1.")

24 BY MR. ALCOCK:

25 Q (Exhibiting photograph to witness) Mr.



McGehee, I am going to show you what is now marked as "State No. 1," and ask you to look at this picture and see if you recognize the person in that picture.

A Yes.

Q Have you ever seen that person in person?

A Yes.

Q Do you know who that person is now?

A Yes, I know now.

Q Who is it?

A Lee Oswald.

Q Approximately when was it that you saw Lee Oswald in person?

MR. DYMOND:

If the Court please, at this time we are going to object to the relevancy of this testimony, first of all, on the ground of R.S. 15:455, which states, in effect, that the prima facie conspiracy must be shown before a defendant is responsible for the action of others, and, secondly, on the basis of Article 773 of the Code of Criminal Procedure.

THE COURT:

What was that first article -- 455?

MR. DYMOND:

15:455.

THE COURT:

You must have it under the old Code.

The new Code is three volumes now.

Do you have a cross reference to the  
new volume?

MR. DYMOND:

This is the part that wasn't changed, Your  
Honor.

MR. WILLIAM WEGMANN:

New Section 10 to 12.

MR. ALCOCK:

Evidentiary Order.

THE COURT:

Volume 1?

MR. WILLIAM WEGMANN:

No, 10 to 12. It is the new section.

They took away three of the old  
volumes.

MR. DYMOND:

That is the part that wasn't changed.

Here it is (handing volume to the  
Court).

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THE COURT:

This is the index?

MR. WILLIAM WEGMANN:

No, that is the whole thing, Judge. It  
also includes a separate index.

THE COURT:

Off the record.

(Discussion off the record.)

MR. DYMOND:

Your Honor, while you are studying that,  
I would ask you also to look at  
Article 773 of the Code.

THE COURT:

773?

MR. DYMOND:

773.

THE COURT:

Mr. Dymond, the way I read the combination  
of both 455 and 773 is, No. 1, that  
the Court cannot control the State  
nor the Defense in the order in which  
they wish to present their evidence.  
Secondly, necessarily the trial of  
any case must start off at a given  
point. It is not always convenient

1 for the State to chronologically  
2 outline their case and they must con-  
3 nect it up.

4 I would ask this question of Mr. Alcock:

5 Do you intend to connect up the evi-  
6 dence you are seeking to elicit from  
7 this witness?

8 MR. ALCOCK:

9 I was just about to comment to the Court  
10 on that when my turn for argument  
11 came. The State has asked a total  
12 of approximately ten questions.  
13 Obviously, at this point the connec-  
14 tion between this testimony and what  
15 might be deemed relevant isn't  
16 apparent, but I can assure the Court  
17 this testimony is relevant and will  
18 be connected up.

19 THE COURT:

20 Very well. That being the case, I over-  
21 rule your objection.

22 MR. DYMOND:

23 To which ruling Counsel reserves a bill --

24 THE COURT:

25 Yes.

1 MR. DYMOND:

2 -- making the question and Counsel's  
3 objection, the reasons for the ob-  
4 jection and the ruling of the Court  
5 together with the entire record, part  
6 of the exception.

7 BY MR. ALCOCK:

8 Q Now, Mr. McGehee, can you recall approximately  
9 when it was that you saw Leon Oswald?

10 A This was -- as near as I can remember, it was  
11 in the -- we had some cool weather in the  
12 last of August and the early part of  
13 September. I barber by myself, and when  
14 it is cool I turn the air-conditioning off  
15 and keep the door open.

16 Q Would that have been the latter part of August,  
17 early part of September, 1963?

18 A Right.

19 Q Now, at the time that Lee Harvey Oswald was in  
20 your barber shop, was anyone present be-  
21 sides yourself?

22 A No.

23 Q Can you recall approximately what time of day  
24 or night this was that he was in the shop?

25 A This was along toward the evening.

1 Q Were you able to see, Mr. McGehee, how Oswald  
2 came to the shop, whether he --

3 A The door was open and I noticed this car drive  
4 up. It passed the door a little ways,  
5 not too far, where the back end was just  
6 a little past the shop, and I did not see  
7 the man get out, and the next thing I  
8 noticed, there was nobody on the street  
9 hardly, not anybody, as a matter of fact,  
10 and this man walked in the shop.

11 Q Could you describe the car for us at all?

12 A Yes, the car was -- it was an old car, it was  
13 battered, it was a dark colored car -- it  
14 might have been dark green -- but the make  
15 of it I just couldn't remember, it was an  
16 old car, real old.

17 Q Now, Mr. McGehee, to the best of your recollec-  
18 tion and knowledge, was there anyone else  
19 in that car?

20 A Yes.

21 Q Can you describe that person?

22 A There was a woman sitting on the front seat --  
23 this is after the man was getting a hair-  
24 cut I glanced at the car -- and in the  
25 back seat what I noticed was -- looked like

1 a bassinet.

2 Q A baby bassinet?

3 A Right.

4 Q Now, Mr. McGehee, had Oswald entered the shop  
5 before this car pulled up?

6 A No, after.

7 Q Did you ever see that car leave in front of the  
8 shop?

9 A It eventually left after he left; I didn't  
10 notice if he got in the car, I didn't pay  
11 any attention.

12 Q Well, approximately how long after he left the  
13 shop did the car leave?

14 A Right away. I noticed -- I heard it pull off,  
15 I didn't pay no attention to it, it was  
16 gone.

17 Q Now, Mr. McGehee, did you give Lee Harvey  
18 Oswald a haircut on that occasion?

19 A Yes.

20 Q Approximately how long would that take?

21 A About 15 minutes.

22 Q And did you have a conversation with him at  
23 that time?

24 A Yes.

25 Q Mr. McGehee, do you know a gentleman by the

1 name of Reeves Morgan?

2 A Right.

3 Q At that time did you know him personally?

4 A Yes.

5 Q Did you know his occupation at that time?

6 A Yes, he was State Representative in my Parish.

7 Q What parish would that be?

8 A East Feliciana.

9 Q Did you have occasion at any time to mention  
10 his name?

11 A Yes; I referred Lee Oswald.

12 MR. DYMOND:

13 Now, if Your Honor please, we object to  
14 any conversation which transpired  
15 outside the presence of this de-  
16 fendant, on the ground that it is  
17 hearsay, of course.

18 MR. ALCOCK:

19 My position --

20 MR. DYMOND:

21 Note my objection.

22 THE COURT:

23 Let me hear Mr. Dymond first, then you,  
24 Mr. Alcock.

25 MR. DYMOND:



1 I object to any conversation which  
2 allegedly transpired out of the  
3 presence of this defendant, on the  
4 ground that it is hearsay evidence.

5 THE COURT:

6 I will hear you, Mr. Alcock.

7 MR. ALCOCK:

8 My position is that this may be correct  
9 as far as any conversation or any  
10 words uttered by Lee Oswald, but  
11 certainly not as to this witness, he  
12 can say what he said; that is not  
13 hearsay.

14 THE WITNESS:

15 I was referring to --

16 THE COURT:

17 Excuse me just a minute. I am wondering  
18 if the situation doesn't exist that  
19 if it is a conspiracy of the persons  
20 named, such as Oswald was named in  
21 the conspiracy, which he is, that if  
22 someone had a conversation with a  
23 named defendant, even though he is  
24 deceased, that does not, to my mind,  
25 take it out of the general rule of

1 hearsay. There would be no question 14  
2 if Oswald was presently on trial  
3 that it would be admitted and the  
4 conversation of a person with the  
5 defendant, because it would not be  
6 hearsay as to that defendant. Now  
7 the legal question posed is whether  
8 or not a statement by this witness  
9 with Oswald would be admissible  
10 against this defendant.

11 MR. GARRISON:

12 I would like to comment.

13 THE COURT:

14 The acts of all co-conspirators would be  
15 used against a conspirator.

16 MR. GARRISON:

17 I would like to be heard.

18 THE COURT:

19 You can have a proposition where a state  
20 would like to try one of the three  
21 conspirators and still have the other  
22 two not be tried, ask for a severance,  
23 and the question (is) could hearsay  
24 then be used with the two on  
25 severance against the one that is

1 present. My first impulse is to  
2 say yes, but I will be glad to hear  
3 you.

4 MR. DYMOND:

5 If the Court please, that proposition  
6 that you have just cited runs square-  
7 ly into the teeth of the two statutes  
8 which I have previously mentioned to  
9 Your Honor, more specifically, R.S.  
10 15:445, which requires the prima  
11 facie proof of a conspiracy before  
12 one co-conspirator is liable for the  
13 acts of the other co-conspirators.

14 THE COURT:

15 Just read that article. It states --

16 MR. DYMOND:

17 The same would apply on conversations.

18 Certainly it would not be proper for  
19 Your Honor to permit hearsay testi-  
20 mony of conversations which could  
21 conceivably be damaging to this de-  
22 fendant in the eyes of the Jury, on  
23 the mere hope and supposition that  
24 the State will prove a prima facie  
25 case of conspiracy. That is the very

1 purpose of this Act. I feel that a  
2 definite predicate in the form of  
3 showing a conspiracy is required,  
4 and that is where we have the appli-  
5 cation of 773, to the effect that  
6 the order of proof cannot be con-  
7 trolled by the Court, --

8 THE COURT:

9 That is correct.

10 MR. DYMOND:

11 -- but that anything, any item of evi-  
12 dence which requires the laying of a  
13 foundation is not admissible until  
14 that foundation is laid. Now, the  
15 conversation that Your Honor has in  
16 mind would require the laying of a  
17 foundation, that foundation being a  
18 prima facie case of conspiracy, and  
19 until that is laid it cannot be ad-  
20 mitted.

21 THE COURT:

22 Let me put a question to you, Mr. Dymond:

23 If by chance Oswald was on trial with  
24 Mr. Shaw, do you claim that statements  
25 he made, Oswald, would be admissible?

1 MR. DYMOND:

2 They would be admissible against Oswald  
3 but certainly not against --

4 THE COURT:

5 -- against all the co-conspirators?

6 MR. DYMOND:

7 Unless a prima facie case of conspiracy  
8 is shown.

9 THE COURT:

10 I have been assured by Mr. Alcock that he  
11 will connect up the testimony he is  
12 trying to elicit from this witness,  
13 with the conspiracy.

14 MR. DYMOND:

15 Your Honor, I would accept that, but  
16 Article 773 on just such a situation  
17 as this makes an exception to the  
18 deprivation of the right of Your  
19 Honor to control the order of proof.

20 THE COURT:

21 Let me read the comment under Article 773.

22 "The basic purpose of this Article is to  
23 allow counsel to have a free hand in  
24 the conduct of his case. Furthermore,  
25 frequently the admissibility of some

1 evidence depends on whether other  
2 evidence is admitted. Necessarily,  
3 such related evidence cannot be  
4 introduced at the same moment (as  
5 we have here) and frequently requires  
6 the joint testimony of several wit-  
7 nesses."

8 Here is the vital, controlling sentence:

9 "Usually, therefore, the first piece of  
10 evidence is admitted subject to being  
11 connected up or subject to the second  
12 related piece of evidence being ad-  
13 mitted."

14 (Reporter's Note: The above quotation is  
15 transcribed from the notes as they lie.  
16 The reader is referred to the source.)

17 THE COURT:

18 So when Mr. Alcock tells me that he is  
19 going to connect up this evidence  
20 with other related pieces of evidence  
21 to establish a prima facie case of  
22 conspiracy, I will accept his state-  
23 ment that he is going to do that.

24 Now you are objecting to what Oswald told  
25 this witness, that it cannot be used

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against Mr. Shaw. Now, ordinarily,  
if it was a confession, the confession applies to the person who made it, not to any other party, but in a conspiracy, any act of a conspiracy, the other person whether physically present or not is bound by that action.

MR. DYMOND:

But, Your Honor, --

THE COURT:

But at this point you are trying to say at the time they are talking about, in August, 1963, they had not shown that there was a conspiracy even. Well, they have to start some place. If they can connect it up, I am going to go along with the State that they can connect it up.

MR. DYMOND:

If the Court please, it may well be too late after that, and I am sure Your Honor can conceive of a situation where there could be evidence, testimony, which would be extremely harm-

1           ful to our defendant if heard by the  
2           Jury. And then what happens if the  
3           State fails to connect it up? You  
4           know very well that an admonition to  
5           the Jury to disregard testimony is  
6           the most ineffective thing.

7           THE COURT:

8           I agree with you on that.

9           Now, this Article says specifically -- it  
10          creates an exception -- that is 773:

11          "But when the evidence requires a founda-  
12          tion for its admission, the founda-  
13          tion must be laid before the evidence  
14          is admissible."

15          That is the last sentence of 773.

16          (Reporter's Note: The above quotation is  
17          transcribed from the notes as they lie.  
18          The reader is referred to the source.)

19          MR. DYMOND:

20                 Will you read the comment under the  
21                 Article?

22          THE COURT:

23                 Yes, I have read the comment.

24          MR. DYMOND:

25                 What does the last sentence say in the



comment?

THE COURT:

"Usually, therefore, the first piece of evidence is admitted subject to being connected up, subject to the two related pieces of evidence being admitted."

MR. DYMOND:

Your Honor, we all know that this is not the usual case. You can go through the volumes of the Southern Reporter and count on one hand the number of conspiracy cases. This is an unusual case where an alleged conspiracy is used as a purpose or an excuse for introducing inadmissible testimony when no conspiracy has been shown, and that is the very purpose of this Article.

THE COURT:

Just give me a minute.

(Whereupon, there was a brief pause in the proceedings.)

THE COURT:

Now let's get back to the basic question.

1 You have objected to a conversation  
2 had by Mr. McGehee with Lee Harvey  
3 Oswald at the time it was had in  
4 Jackson, Louisiana.

5 MR. DYMOND:

6 No, not with Lee Harvey Oswald. The  
7 conversation was supposed to have  
8 been with Reeves Morgan, State  
9 Representative.

10 MR. ALCOCK:

11 No.

12 THE COURT:

13 Ask the question again. Let's find out  
14 what the objection is, please. I  
15 thought the question was a conversa-  
16 tion of the witness with Oswald.

17 MR. ALCOCK:

18 It was.

19 MR. DYMOND:

20 Same objection.

21 THE COURT:

22 Same objection? Oswald is a defendant  
23 named in the indictment.

24 MR. WEGMANN:

25 He is not a defendant named in the in-

dictment.

MR. ALCOCK:

He is dead.

MR. DYMOND:

He is named as a co-conspirator.

THE COURT:

He is named as a defendant in the Bill  
of --

MR. DYMOND:

That does not make any difference.

THE COURT:

It certainly does in law; whether he is  
dead or not, he is still listed as  
one of the persons who committed the  
crime.

MR. EDWARD WEGMANN:

He is still not a defendant.

THE COURT:

Let's not argue, Mr. Wegmann. What was  
the question?

MR. ALCOCK:

The question of Mr. McGehee was whether  
or not he had a conversation with  
Lee Harvey Oswald on that occasion,  
and his response was yes, and I

1 asked him if he knew a gentleman by  
2 the name of Reeves Morgan, and he  
3 said yes, and I asked him if that  
4 name came up in the conversation,  
5 and he was about to relate that  
6 answer when Mr. Dymond objected.  
7 This is not a conversation involving  
8 Reeves Morgan, this is between this  
9 witness and Lee Harvey Oswald.

10 THE COURT:

11 Well, I will rule that he can state  
12 whether he did have a conversation  
13 or not, but he cannot go into the  
14 details of the conversation.

15 MR. ALCOCK:

16 He can say what he said, can't he, not  
17 what Oswald said but what he said?  
18 That is certainly not hearsay. This  
19 witness is subject to cross-  
20 examination.

21 THE COURT:

22 He can state what he said but not tell us  
23 what Oswald said.

24 MR. ALCOCK:

25 Right. I think this is what Mr. Dymond

1 is getting at.

2 THE COURT:

3 All right. Go ahead.

4 BY MR. ALCOCK:

5 Q Go ahead with your answer.

6 A I was referring him to Mr. Reeves Morgan, who  
7 was State Representative at the time,  
8 in regards to getting a job at East  
9 Louisiana Hospital.

10 MR. DYMOND:

11 Object as hearsay and ask that it be  
12 stricken.

13 THE COURT:

14 What is your objection?

15 MR. DYMOND:

16 This witness is doing indirectly what  
17 Your Honor ruled he cannot do direct-  
18 ly, by stating in what connection he  
19 referred him to Reeves Morgan. That  
20 impliedly --

21 THE COURT:

22 Just a minute, Mr. Dymond.

23 MR. DYMOND:

24 That impliedly sets forth what Lee Harvey  
25 Oswald asked this man about, and

1 Your Honor has ruled that isn't  
2 admissible.

3 THE COURT:

4 You have agreed he can state what he  
5 told him.

6 MR. DYMOND:

7 What he told Oswald. That is different.

8 THE COURT:

9 All right. Tell us what you told Oswald.

10 THE WITNESS:

11 I told him the directions to Reeves  
12 Morgan's house, who was State  
13 Representative.

14 THE COURT:

15 That is all you told him, the directions  
16 to his house?

17 THE WITNESS:

18 I told him to see him about getting a job  
19 at the East Louisiana State Hospital,  
20 that he would help him, or might help  
21 him.

22 THE COURT:

23 All right. You may proceed.

24 BY MR. ALCOCK:

25 Q Now, Mr. McGehee, do you know a fellow in

Clinton, Louisiana, by the name of Henry  
Earl Palmer?

A Right.

Q Did you know him on that occasion?

A Yes.

Q What was his occupation at that time?

A Registrar of Voters.

Q Did you mention his name at any time?

A Yes, I told Oswald that if he was a registered  
voter it would help him to obtain -- have  
a better chance of obtaining a job at  
East Louisiana State Hospital.

Q Was the name Henry Earl Palmer mentioned?

A Yes.

MR. DYMOND:

I object unless it is specified by whom  
it was mentioned, Your Honor. Your  
Honor has already ruled on Oswald  
mentioning it.

MR. ALCOCK:

He has already said he did it.

THE WITNESS:

I referred him to him.

THE COURT:

You may proceed.

1 BY MR. ALCOCK:

2 Q And where at that time was the Board of  
3 Registration for that Parish?

4 A In Clinton.

5 Q Is that Clinton, Louisiana?

6 A Right.

7 Q Did you have occasion, Mr. McGhee, after  
8 giving Oswald a haircut on this occasion,  
9 to ever see his picture on television?

10 A Yes.

11 Q When was that?

12 A I was at my mother-in-law's house on the day  
13 of the assassination and -- I think it was  
14 the day -- and when they arrested Oswald  
15 and brought him to the jail -- I think it  
16 was the jail -- and that was the first  
17 time I saw his picture, and I told my  
18 wife, I said, --

19 THE COURT:

20 Don't tell us what you told your wife.

21 MR. ALCOCK:

22 That is what he said, Your Honor.

23 THE COURT:

24 All right.

25 A (Continuing) I told my wife, I said, "I recog-



nize that man from somewhere."

BY MR. ALCOCK:

Q Now, did you have occasion subsequent to this time when you made that comment to your wife, to have a conversation with Reeves Morgan?

A Right. That must have been about two weeks later. Mr. Reeves Morgan --

MR. DYMOND:

I object, Your Honor. He has answered the question already.

THE COURT:

He stated yes. He can tell him.

BY MR. ALCOCK:

Q You did have a conversation with Reeves Morgan?

A It must have been about two weeks later.

MR. DYMOND:

Your Honor, I ask that the witness be instructed to answer questions and not elaborate.

THE COURT:

Mr. McGehee, the answer to the question Mr. Alcock put to you, which was did you have a conversation, you can say yes, you don't have to tell us the

1 substance of it, what he told you;  
2 you can tell us what you told him.

3 BY MR. ALCOCK:

4 Q What did you tell Reeves Morgan during that  
5 conversation? Say what you said.

6 A I said that the man that I saw on the T.V.  
7 was the man that I sent to him.

8 Q Is that man the man that you identified in  
9 Court as Lee Harvey Oswald?

10 A Right.

11 Q Up until that time, Mr. McGehee, had you sent  
12 anyone else to Reeves Morgan's house?

13 A He was the only one.

14 Q Mr. McGehee, did you ever, subsequent to the  
15 assassination of President Kennedy,  
16 mention this incident to the Federal  
17 Bureau of Investigation or any other  
18 federal agency?

19 A No.

20 MR. ALCOCK:

21 I will tender the witness.

22 CROSS-EXAMINATION

23 BY MR. DYMOND:

24 Q Mr. McGehee, you say this was in August or  
25 September of 1963?

1 A Yes, sir, approximately, yes, sir.

2 Q Have you searched your memory in an effort to  
3 determine whether it was August or whether  
4 it was September?

5 A Yes.

6 Q And I take it you are unable to do so?

7 A We discussed it in the barber shop several  
8 times.

9 Q And I take it that as of now you cannot tell  
10 us whether it was August or whether it was  
11 September? Is that correct, sir?

12 A We had cool nights in the last of August and  
13 the early part of September, and at least  
14 not past September 15.

15 Q I see.

16 A It had to be in there, along in that time.

17 Q In other words, it could have been as late as  
18 September 15?

19 A It was more closely, I would say, the last of  
20 August and the early part of September.

21 Q Well, now, what would make you arrive at that  
22 conclusion that you say that you had cool  
23 nights up until September 15?

24 A Well, we always discuss the weather in the  
25 barber shop -- that is about the main

1           topic of conversation -- and we have  
2           farmers up in Jackson, quite a number of  
3           them, and they are always saying wasn't  
4           last night cool and all like that.

5       Q     I take it that this was on a cool night then  
6           that you saw Lee Oswald?

7       A     Yes, the night was rather cool.

8       Q     Now, did you not testify that you had cool  
9           nights through the 15th of September?

10      A     Well, the last part of August we had some  
11           relatively cool nights, which was unusual  
12           for August, and we commented on that  
13           several times in the barber shop. If I  
14           had to say it, I would say the last of  
15           August.

16      Q     And you say you discussed this with the farmers  
17           in the barber shop? Is that right?

18      A     Yes.

19      Q     Well, now, is your testimony the testimony of  
20           the farmers in the barber shop or your  
21           testimony?

22      A     Both of us.

23      Q     Oh, I see. In other words, you are testifying  
24           here from the knowledge of the farmers in  
25           the barber shop and from yours, is that

1 right?

2 A Well, we discussed it, and they said how cool  
3 it was and I agreed.

4 Q Now let's see if you can be a little more  
5 accurate on your description of this  
6 automobile that you saw this man get out  
7 of.

8 A Yes, sir.

9 Q Was it a large automobile or a small one?

10 A If I had to say what it was, it was a -- it  
11 resembled a Kaiser or a Frazer or an old  
12 Nash.

13 Q Did it appear to be old enough to have been  
14 a Kaiser or a Frazer?

15 A Yes, that is what I noticed about it.

16 Q I take it then from your description that in  
17 general terms you would have to describe  
18 this as a rather small automobile, while  
19 not a compact? Is that right?

20 A Oh, not a compact, right.

21 Q But it was a small standard sized automobile?

22 A Standard sized, yes, sir.

23 Q Now, you did give Oswald a haircut on this  
24 occasion? Is that correct?

25 A Yes, sir.

1 Q Do you remember how he was dressed?

2 A He had on a sport shirt and slacks.

3 Q Did he have shoes on or not?

4 A I am sure he did.

5 Q Would you say he was neatly dressed?

6 A Very neatly dressed.

7 Q Very neatly dressed?

8 A Clean shaven.

9 Q I see. Now, Mr. McGehee, by your voluntarily  
10 adding the words "very neatly dressed,"  
11 would I be correct in assuming that his  
12 neatness actually impressed you?

13 A Yes. That is the reason I referred him for  
14 the job.

15 Q I see. In other words, you would say that he  
16 was a particularly neat looking indi-  
17 vidual, is that right?

18 A To me, yes.

19 Q Yes. And did I understand you correctly in  
20 saying that he was clean-shaven at this  
21 time?

22 A Yes, sir.

23 Q Did that likewise impress you?

24 A No, not impress me, I just noticed he was clean  
25 shaven. You know, when you give a man a

1 haircut, you try to sell him a shave,  
2 too. (LAUGHTER)

3 THE BAILIFF:

4 Order in the Court.

5 BY MR. DYMOND:

6 Q I would guess that a barber would be very  
7 likely to remember whether a man was  
8 clean shaven, is that correct?

9 A That is it.

10 Q And that is your distinct recollection, is that  
11 right?

12 A Yes.

13 MR. DYMOND:

14 That is all.

15 REDIRECT EXAMINATION

16 BY MR. ALCOCK:

17 Q I have one or two questions just to clarify  
18 something Mr. Dymond asked you. These  
19 discussions you had with farmers were  
20 about the weather, is that correct?

21 A With who?

22 Q The farmers. -- was about the weather?

23 A Yes.

24 Q These farmers didn't tell you anything about  
25 Lee Oswald coming in?

1 A No, no.

2 MR. ALCOCK:

3 No further questions.

4 RECROSS-EXAMINATION

5 BY MR. DYMOND:

6 Q One moment, please. While the discussions  
7 that you had with the farmers concerned  
8 only the weather, it was what these  
9 farmers said that prompted you to fix  
10 the date of this visit in late August or  
11 early September, was it not, sir?

12 A Well, not only the farmers at the time. Like  
13 I say, in general, you talk to anybody --  
14 the banker -- everybody we talk to, they  
15 mentioned the weather and what cool nights  
16 we were having in August, which was un-  
17 usual, --

18 Q I see.

19 A -- and I had my door open, the air-conditioning  
20 was off and it was rather cool.

21 Q I see. Just one more question, Mr. McGehee:  
22 Was there any special reason that you  
23 waited five years before saying anything  
24 about this to anybody?

25 A Nobody approached me.



1 MR. DYMOND:

2 That is all.

3 FURTHER REDIRECT EXAMINATION

4 BY MR. ALCOCK:

5 Q Mr. McGehee, this conversation that you had  
6 with Mr. Morgan shortly after the  
7 assassination, did this visit come up in  
8 that conversation?

9 A I didn't hear you, Mr. Alcock.

10 Q This conversation that you had with Mr. Morgan  
11 shortly after the assassination, did this  
12 visit by Oswald come up in that conversa-  
13 tion?

14 MR. DYMOND:

15 One moment, please. Object to that, if  
16 the Court please. Unless it is re-  
17 stricted to what this witness said  
18 during that conversation and not in-  
19 cluding what Mr. Morgan said.

20 THE COURT:

21 I agree with you.

22 BY MR. ALCOCK:

23 Q Did you mention anything to Mr. Morgan shortly  
24 after the assassination about Lee Oswald  
25 being in your shop?

1 A Yes, we talked about it.

2 MR. ALCOCK:

3 No further questions.

4 THE COURT:

5 You may step down, Mr. McGehee.

6 (Witness excused.)

7 THE COURT:

8 Do you have any further need for this  
9 witness? I understand he is from  
10 out of town.

11 MR. ALCOCK:

12 We have none.

13 MR. DYMOND:

14 We have none.

15 THE COURT:

16 You may leave at this time.

17 Mr. Alcock, I have been requested by the  
18 news media to take a recess between  
19 3:00 and 3:15, and rather than call  
20 your next witness and interrupt the  
21 direct or the cross, we will take a  
22 recess now until ten minutes after  
23 3:00. That is about eight minutes.

24 Take the Jury upstairs, Gentlemen.

25 (Whereupon, a recess was taken.)

1 AFTER THE RECESS:

2 REEVES MORGAN,

3 a witness called by and on behalf of the State,  
4 having been first duly sworn, was examined and  
5 testified as follows:

6 DIRECT EXAMINATION

7 BY MR. SCIAMBRA:

8 Q Please state your name for the record.

9 A Reeves Morgan.

10 Q Where do you live, Mr. Morgan?

11 A Jackson, Louisiana.

12 Q And how long have you lived in Jackson,  
13 Louisiana?

14 A Well, let me correct that, I live outside the  
15 town of Jackson. I live in the vicinity  
16 of Jackson, we call it Jackson but it  
17 isn't actually in the town, I live out in  
18 the country about three miles, and I have  
19 been around there since 1925.

20 Q What is your present occupation, Mr. Morgan?

21 A Working in a foundry over there at Clinton  
22 making castings for some little bombshells,  
23 ammunition.

24 Q How long have you been so employed?

25 A About a year, close to a year; I imagine maybe

184265

two weeks one way or the other.

Q What was your occupation or position prior to this?

A Well, let me see. I was working for Crown-Zellerbach as a guard, I believe, preceding this job. No, I wasn't. Let me take that back. I was working for the East Louisiana State Hospital as a guard, and I worked for the Crown-Zellerbach before that.

Q Have you ever been a member of the Louisiana State Legislature?

A Yes, sir.

Q When?

A From 1952 until 1956, and then from 1960 to '64.

Q So I take it then in 1963 you were a member of the Louisiana Legislature?

A Yes, sir.

Q (Exhibiting photograph to witness) Mr. Morgan, I will show you now a picture that the State has marked "S-1" for purposes of identification, and ask you if you recognize the individual in that picture.

A Yes, sir.

REEVES  
Y.M.C.A.

1 Q Do you know who that individual is?

2 A This is the fellow that came there and intro-  
3 duced hisself to me.

4 Q What was his name?

5 A Oswald.

6 Q You say he came to your home and introduced  
7 himself?

8 MR. DYMOND:

9 Object as a leading question, Your Honor.

10 The witness said nothing about his  
11 home.

12 THE COURT:

13 Do not repeat what he said. Ask it in the  
14 form of a question.

15 BY MR. SCIAMBRA:

16 Q Where did you see this individual?

17 A He came to my home.

18 Q Did he introduce himself?

19 A Yes, sir.

20 THE COURT:

21 Let me caution the witness. Mr. Reeves,  
22 do not tell us what he told you. You  
23 can testify to what you said to him,  
24 not what he said to you. Understand?

25 THE WITNESS:

1 Does that apply to him introducing him-  
2 self, too? (LAUGHTER)

3 THE COURT:

4 That applies to everything. Only testify  
5 what you said, not anything he said --  
6 at least at this time.

7 All right. You may proceed, Mr. Sciambra.

8 BY MR. SCIAMBRA:

9 Q Do you know this individual's name now?

10 A Yes, sir.

11 Q What is it?

12 A Lee Harvey Oswald, but I didn't know anything  
13 except Lee Oswald until after the --

14 Q When did this individual come to your home?

15 A Had it figured out as the latter part of  
16 August or either the first part of  
17 September, because I made no dates or no  
18 memorandums or nothing on it.

19 Q Was this in 1963?

20 A '63, 1963.

21 Q Would you tell the Court the circumstances  
22 surrounding Oswald's visit to your home  
23 in Jackson, Louisiana.

24 THE COURT:

25 Now you are going to get into dangerous

1 ground, because it is going to be  
2 very hard for this witness to be  
3 able to understand my admonition to  
4 him.

5 MR. SCIAMBRA:

6 I will withdraw the question.

7 THE COURT:

8 All right.

9 MR. SCIAMBRA:

10 I will withdraw the question, Your Honor,  
11 and I will ask the witness:

12 BY MR. SCIAMBRA:

13 Q Tell the Court what you told Lee Harvey Oswald  
14 that day that you talked to him in your  
15 home.

16 A I told him that I could not help him get a job  
17 at the hospital ahead of any of my con-  
18 stituents, at the East Louisiana State  
19 Hospital, but I was not going to try to  
20 prevent him from getting a job, and I  
21 told him all the procedure he would have  
22 to go to to get in position to get a job,  
23 about going and putting in his application  
24 and getting set up to take a Civil Service  
25 examination, and that you just didn't go

1 over there and get a job and just go to  
2 work, you had to go through applications  
3 and take a Civil Service examination for  
4 a job in the electrical department or  
5 something like that. They did have some  
6 jobs over there maybe, but I didn't tell  
7 him all that, but to get into the electri-  
8 cal department or maintenance you had to  
9 have a Civil Service exam, and -- he was  
10 from New Orleans -- it wouldn't hurt if he  
11 was a registered voter up there, and I  
12 told him that I knew a fellow up there  
13 once trying to find out what he can from  
14 everybody around there, and I told him I  
15 knew a fellow up there whose first name was  
16 Oswald and I asked him was he any kin to  
17 him.

18 Q Was he any kin to him?

19 MR. DYMOND:

20 I object to that question, Your Honor.

21 THE COURT:

22 I sustain the objection.

23 BY MR. SCIAMBRA:

24 Q I take it then that the conversation that you  
25 had with Oswald was pertaining to a job



at the East Louisiana State Hospital?

A That was practically all we discussed.

Q And approximately how long did you say you talked to Oswald that day?

A Well, it wasn't too long, I would say maybe 20 minutes or 25, just talked along there. I wasn't wanting him to get the impression I was trying to rush him off or nothing.

Q Was anybody at home when Oswald was at your house, besides yourself?

A Yes, sir, my daughter was there.

Q Anybody else?

A I don't remember whether my wife was there or not; I do know my daughter was there though, but I never could place whether my wife was there at the time or not.

Q After the assassination of President Kennedy, did you see a picture of Lee Harvey Oswald on television or in the paper?

A I saw it in the newspaper first, I believe. As well as I remember, the newspaper picture was the first one I saw.

Q Did you recognize him?

A Yes, sir.

1 Q Where did you recognize him from?

2 A From being at my house.

3 Q Did you ever tell this incident to anyone?

4 A Well, yes, discussed it with several people  
5 around there, and I even called the FBI  
6 and told them.

7 Q When did you call the FBI?

8 A I would say that it was practically the next  
9 day after I recognized it, I believe it  
10 was the next day.

11 Q After the assassination?

12 A No, the day after I recognized his picture.  
13 Maybe it might have been the next day  
14 after the assassination before I saw his  
15 picture, as well as I remember.

16 Q Did the FBI ever send anybody to talk to you  
17 about this?

18 A No, sir, they never did send anybody, because  
19 when I called them, when we got through  
20 talking I told him I was glad that they  
21 already knew he was up there in the  
22 vicinity. They already knew it. And  
23 he thanked me for my trouble of calling  
24 them.

25 Q Did you have a conversation regarding this

1 matter with a Mr. Lee McGehee?

2 A Yes, I was over there in the barber shop  
3 several times after that, and we was  
4 talking about it.

5 MR. SCIAMBRA:

6 I tender the witness, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. DYMOND:

9 Q Mr. Morgan, you say that this conversation  
10 took place either in late August or early  
11 September?

12 A To the best of my recollection. I took no  
13 dates or set no -- I mean I didn't make  
14 any notes on the thing.

15 Q Do you have any particular event or any  
16 particular thing by which you are able  
17 to fix this approximate date?

18 A Well, in the first place, it was an estimation  
19 on my own part, and then it wasn't cold  
20 weather and it wasn't hot weather, be-  
21 cause when Oswald came to my house that  
22 evening I was burning the trash out of  
23 my fireplace and it didn't feel too bad.  
24 It wasn't cold, it wasn't hot.

25 Q All right.

1 A It just felt good sitting there by it, and  
2 we both sat there and watched it burn.

3 Q It was good cool pleasant weather? Is that  
4 right?

5 A That is right. You wouldn't want it to be  
6 any better weather.

7 Q Could this, Mr. Morgan, have been as late as  
8 mid-September?

9 A I don't believe it could have, I don't believe  
10 it could have.

11 Q You say it possibly could have?

12 A I don't believe it could have been.

13 Q Well, that is the kind of weather that you  
14 would have up there around mid-September,  
15 too, isn't it?

16 A Well, we could, but I just in my own estimation  
17 don't believe it could have been up to  
18 the 15th, that late.

19 Q The 15th is the latest you say?

20 A I say it couldn't have been as late as the  
21 15th, I don't believe, because when it  
22 happened it would have seemed closer than  
23 that.

24 Q Now, Mr. Morgan, you were able to get a good  
25 look at the man whom you identified as

1 Lee Harvey Oswald, were you not, sir?

2 A Yes, sir, I looked at him about as close as  
3 I ever look at anybody that just comes  
4 in and I am not trying to pay special  
5 attention to his looks.

6 Q Would you happen to remember how he was  
7 dressed, Mr. Morgan?

8 A Well, yes, I remember how he was dressed pretty  
9 much.

10 Q Would you tell us about that if you can?

11 A He had on a dark colored shirt, as well as I  
12 remember, and some dark pants. He didn't  
13 have on any hat or cap or anything, and --

14 Q Mr. Morgan, would you say at this time that he  
15 was neatly dressed?

16 A Well, I would say he was, about as neat as  
17 the ordinary fellow goes around dressed.  
18 He wasn't shabby or he didn't have on  
19 no lot of neckties or fine clothes or  
20 nothing, just --

21 Q Was he clean and neat looking?

22 A Clean and neat, very well appearing fellow,  
23 nice appearance.

24 Q Now let me ask you this, Mr. Morgan, did he  
25 have a beard at that time?

1 A No, sir.

2 Q Would you say he was clean-shaven?

3 A Well, about like I am now I would say, maybe  
4 shaved that morning.

5 Q You shaved this morning, didn't you?

6 A Yes, sir, and I would figure he had shaved  
7 that morning from the way he looked.

8 Q He looked to you like he had shaved that morn-  
9 ing?

10 A Yes, sir.

11 Q Mr. Morgan, did you get a look at the auto-  
12 mobile in which he arrived?

13 A No, sir, sure didn't.

14 Q You didn't see it at all?

15 A Didn't see it -- period. I didn't go no  
16 further than the door to let him in when  
17 he knocked, and when he left I didn't go  
18 any further than the door.

19 Q I see. Now, Mr. Morgan, I understand that the  
20 day after you recognized from seeing a  
21 T.V. picture --

22 A Not a T.V., a newspaper.

23 Q Newspaper picture?

24 A I believe is what I first saw it on.

25 Q When you recognized that this was Lee Harvey

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Oswald that you had seen, you called the  
FBI? Is that correct?

A Yes, sir.

Q I take it you felt it your duty to do so?

Isn't that right, sir?

A Well, I figured that they should know if there  
was anything in him being up there that  
could give them aid in finding out just  
what happened, and so forth and so on.  
I felt like the best thing for me to do  
was call them if anybody else got mixed  
up in something and had been at my house.

Q I guess you felt it your duty as a citizen?

A Yes, well, duty as a citizen as well as duty  
to myself.

Q I see.

A I wouldn't want them coming around later and  
saying he was at your house, why didn't  
you let us know something about it.

MR. DYMOND:

Thank you, Mr. Morgan. That is all.

MR. SCIAMBERA:

No further questions.

THE COURT:

Do you have any further need of Mr.

MAN CHESTER

Morgan?

MR. DYMOND:

No, sir.

THE COURT:

All right, Mr. Morgan. You are excused  
from your subpoena. You may leave  
to return home if you wish.

(Witness excused.)

JOHN MANCHESTER,

a witness called by and on behalf of the State,  
having been first duly sworn, was examined and  
testified as follows:

DIRECT EXAMINATION

BY MR. SCIAMBRA:

Q Please state your name for the record.

A John Manchester.

Q What is your address, Mr. Manchester?

A Box 42, Clinton, Louisiana.

Q And how long have you been living there?

A Since 1962.

Q And what is your occupation?

A Town Marshal, Clinton, Louisiana.

Q And how long have you been a Town Marshal in  
Clinton, Louisiana?

A Since that time.



1 Q You were so employed in 1963?

2 A Yes, sir.

3 Q In connection with your duties as Town Marshal,  
4 I call your attention to late August or  
5 early September, 1963, and ask you if any-  
6 thing unusual was happening in Clinton at  
7 that time?

8 A Yes, sir. We had a voter registration drive  
9 going on there at that time.

10 Q I am sorry. Who was sponsoring that voter  
11 registration drive?

12 A Congress of Racial Equality.

13 THE COURT:

14 Who is that?

15 THE WITNESS:

16 CORE.

17 BY MR. SCIAMBRA:

18 Q Was that all during the summer of 1963?

19 A Yes, sir.

20 Q Will you speak a little louder, please, sir.

21 A Yes.

22 Q In connection with the voter registration  
23 drive going on, what were your duties  
24 around Clinton at that time?

25 A Just to maintain law and order and to try to

1 keep out the outside agitation that was  
2 attempting to infiltrate.

3 THE COURT:

4 Speak into the microphone.

5 A (Continuing) Just keep law and order, maintain  
6 law and order.

7 BY MR. SCIAMBRA:

8 Q Were there many people in town for this voter  
9 registration drive?

10 A Quite a few, yes, sir.

11 Q Were these local people or were they from out-  
12 side of Clinton?

13 A They had quite a few outsiders coming in, yes,  
14 sir.

15 Q Were you the only law enforcement agent on  
16 duty at the time?

17 A No, sir, we had other law enforcement but it  
18 was -- I was the primary law enforcement  
19 officer to take care of this special opera-  
20 tion.

21 Q Besides local law enforcement agents, were  
22 there any other law enforcement agents  
23 in town?

24 A Yes, sir, the FBI was there.

25 Q What was the purpose of the FBI?

1 A Well, I don't really know their purpose there  
2 other than just observing.

3 Q Were you assigned to any particular location  
4 during this drive?

5 A Yes, sir, I was assigned to the immediate  
6 vicinity of the Registrar of Voters'  
7 office to keep down any disturbances that  
8 might result from this voter registration  
9 drive going on.

10 Q Now, where is the voter registration office  
11 located in Clinton, Louisiana?

12 A It is on St. Helena Street in Clinton.

13 Q Is that the main street?

14 A That is the main street, it is the main high-  
15 way going through Clinton.

16 Q And this is where you spent most of your time?

17 A Yes, sir.

18 Q Were there many strange cars in town that day,  
19 or cars that weren't familiar to you?

20 A Yes, sir, there was a few strange cars, and if  
21 they were strange I would know them. I  
22 mean the town is small enough that I kept  
23 trying to keep up with all strange auto-  
24 mobiles in that vicinity.

25 Q Did you notice any strange car in particular

1                   that day in connection with where you  
2                   were stationed?

3       A     Yes, sir, I did.

4       Q     Could you describe that car?

5       A     Yes, sir. It was a '61 or '62 Cadillac  
6                   somewhere, I guess this model. It was  
7                   black and it was parked in the vicinity  
8                   of the Registrar's Office.

9       MR. SCIAMBRA:

10            The State will mark this photograph  
11                "S-2" for purposes of identification.  
12            (Whereupon, the photograph referred  
13               to by Counsel was duly marked for  
14               identification as "State Exhibit  
15               No. 2.")

16   BY MR. SCIAMBRA:

17       Q     (Exhibiting photograph to witness) I ask you  
18               if you recognize the automobile in that  
19               picture.

20       A     Yes, sir. That is either the automobile or  
21               one just exactly like it.

22       Q     Approximately how far from the Registrar's  
23               Office was this automobile parked?

24       A     You want that in feet?

25       Q     Well, just an estimate.

1 A I would say approximately 50 feet from the en-  
2 trance to the Registrar's Office.

3 Q Can you remember how this car was called to  
4 your attention?

5 A Yes, sir, Mr. Palmer --

6 MR. DYMOND:

7 Now I object to anything another person  
8 stated, Your Honor.

9 MR. SCIAMBRA:

10 I didn't even ask --

11 MR. ALCOCK:

12 He didn't ask that question. How can you  
13 object?

14 MR. DYMOND:

15 He was about to testify.

16 MR. ALCOCK:

17 You can't anticipate.

18 THE COURT:

19 When you make objections, make them to  
20 me and let me rule.

21 MR. DYMOND:

22 I made the objection after the witness  
23 commenced testifying. If I don't  
24 make it then, I might as well not  
25 make it.

1 THE COURT:

2 I sustain your objection. I might sug-  
3 gest, Mr. Sciambra, if you change  
4 the form of the question to the  
5 effect, did he have a conversation  
6 with someone, he could say yes, but  
7 not what that person said.

8 BY MR. SCIAMBRA:

9 Q Did you have a conversation with anyone in  
10 regard to this automobile?

11 A Yes, sir, I did.

12 THE COURT:

13 That is as far as you can go.

14 BY MR. SCIAMBRA:

15 Q As a result of this conversation, did you do  
16 anything?

17 A Yes, sir, I checked this automobile out.

18 Q What do you mean you "checked it out"?

19 A I walked over and talked to the man that was  
20 behind the wheel of this car.

21 Q How many people did you see in the car?

22 A There was two men in it.

23 Q Were they in the front or the back seat?

24 A Both in the front seat.

25 Q Can you describe the individual on the passen-

ger side?

A No, sir, I can't, Mister, I didn't talk to him.

Q Which one did you talk to?

A I talked to the driver.

Q The driver of the automobile?

A Yes, sir.

Q Can you describe the man behind the wheel of  
the automobile that you talked to?

A Yes, sir. He was a big man, gray-haired,  
ruddy complexion, a real easy-talking  
man.

Q Do you see the man in the courtroom today that  
you talked to?

A Yes, sir.

Q Would you point him out to us.

(The witness complied.)

THE COURT:

I didn't see you. Well, answer by voice,  
because there is nothing going in the  
record.

BY MR. SCIAMBRA:

Q (Indicating) Is this the individual that you  
pointed to?

A Yes, sir.

MR. SCIAMBRA:

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Will the record please reflect the witness pointed to the Defendant before the bar, Clay Shaw.

BY MR. SCIAMBRA:

Q Would you tell the Court what you said to the Defendant and what the Defendant said to you at that time.

A I can't remember exactly the words that I used to get this man's identification. I approached him like I do anyone that I am -- I want to find out the identity of them and I ask them where they are from or what their name is.

Q When you asked this individual where he was from, did he say anything?

A He said he was a representative of the International Trade Mart in New Orleans.

Q Did you ever talk to anyone from the International Trade Mart before this day?

A No, sir, I hadn't.

Q Was that all the conversation you had with this gentleman?

A That was enough to satisfy me that he wasn't concerned with this.

MR. DYMOND:



1 I object to what satisfied the witness,

61

2 Your Honor.

3 THE COURT:

4 Well, I think in his role as the Town  
5 Marshal, the purpose of him  
6 questioning, however he questioned,  
7 I think he can state as the Town  
8 Marshal that he was satisfied with  
9 the answer.

10 MR. DYMOND:

11 If the Court please, I submit he can say  
12 he felt he had asked enough questions,  
13 but to give his opinion or his im-  
14 pression as to the result of these  
15 questions is not within the scope of  
16 this witness's purpose on the stand.

17 MR. ALCOCK:

18 Your Honor, the testimony of the witness  
19 was to the effect that he approached  
20 this car to ask his identity or his  
21 reason for being in town because of  
22 the situation that prevailed at the  
23 time. The answer in response is  
24 perfectly logical.

25 THE COURT:

1 I will permit the answer, I think it is  
2 relevant to the Jury because of his  
3 peculiar position as Town Marshal.  
4 I may sustain, but as Town Marshal  
5 I think he can give the reason he  
6 stopped him for examination. I will  
7 permit it.

8 MR. DYMOND:

9 To which ruling we reserve a bill of  
10 exception, making the question, the  
11 answer, the objection, the Court's  
12 ruling thereon, and the entire  
13 record part of the bill.

14 BY MR. SCIAMBRA:

15 Q Do you remember the question?

16 THE COURT:

17 Repeat the question, or would you like to  
18 have it read? Read it back.

19 (Whereupon, the pending question  
20 was read back by the Reporter.)

21 THE COURT:

22 And that is when you were interrupted.

23 Would you like to continue your  
24 answer, Mr. Manchester?

25 MR. DYMOND:

1 I would like to make the answer part of  
2 the bill of exception, I want to make  
3 the answer part of the bill, too.

4 THE COURT:

5 Very well. Can you pick up where you left  
6 off?

7 THE WITNESS:

8 Yes, sir.

9 A (Continuing) On checking anybody from out of  
10 town at this particular time, I wouldn't  
11 spend any more time with any one individual  
12 than I had to to get an identification  
13 from him.

14 BY MR. SCIAMBRA:

15 Q In other words, you were satisfied with the  
16 identification he gave you? Is that cor-  
17 rect?

18 A That is right.

19 Q Now, after your conversation with him, did you  
20 have a conversation with anyone else in  
21 regard to the black Cadillac?

22 A Yes, sir.

23 Q Who was that conversation with?

24 A Mr. Palmer, Henry Earl Palmer.

25 Q What is his name?

1 A Henry E. Palmer, Registrar of Voters.

2 Q And what did you tell Mr. Palmer in relation-  
3 ship to the Cadillac and the individual  
4 in the Cadillac?

5 A I told Mr. Palmer that he didn't have anything  
6 to worry about the people in this  
7 Cadillac, that they was from International  
8 Trade Mart and they wasn't -- as far as  
9 I knew, it wasn't anything to do with  
10 this voter registration business.

11 Q Now, Mr. Manchester, did you see the Defendant  
12 Shaw's picture in the paper after he was  
13 arrested by this office?

14 A Yes, sir, I did.

15 Q Did you recognize him then?

16 A No, sir, I didn't pay that much (attention).

17 Q When did you recognize him?

18 A After he was -- after Mr. Shaw was charged,  
19 then I got to -- I got to putting the  
20 pieces together that I had seen this man  
21 before somewhere.

22 Q Did you tell anyone about this?

23 A Yes, sir, I talked to Mr. Palmer, I believe,  
24 about it.

25 Q Anyone else besides Mr. Palmer?

1 A Yes, sir, Lieutenant Francis Pruge, State  
2 Police.

3 Q Do you remember when this was?

4 A No, sir. It was some time after, a good while  
5 after he was arrested. I don't remember  
6 exactly how long it was.

7 MR. SCIAMBRA:

8 I tender the witness.

9 CROSS-EXAMINATION

10 BY MR. DYMOND:

11 Q Mr. Manchester, you say that when you were  
12 interviewing strange people up there in  
13 connection with this voter registration  
14 drive, you were not spending any more  
15 time than was necessary with them, is  
16 that right?

17 A That is right, yes, sir.

18 Q Could you tell us about how long you spent  
19 interviewing the two men in this Cadillac?

20 A I didn't say I interviewed two men in the  
21 Cadillac, I said I interviewed one man in  
22 the Cadillac.

23 Q You just talked to the driver? Right?

24 A Yes.

25 Q For about how long would you say?

1 A I would venture to say maybe two minutes.

2 Q Two minutes at the outside? Would that be  
3 right?

4 A Repeat that, sir?

5 Q Would you say two minutes at the outside would  
6 be correct, in other words, no more than  
7 two minutes? Right?

8 A I would say no more than two minutes.

9 Q Now, the person whom you have said was the  
10 driver of that Cadillac, had you ever  
11 seen that person before?

12 A No, sir, not to my recollection; I had not.

13 Q Now, you, of course, say that this Defendant  
14 here was the man that you saw in the  
15 Cadillac. Right?

16 A Yes, sir, I have.

17 Q Before coming today, to court today, and  
18 exclusive of this incident in Clinton,  
19 have you ever seen Mr. Clay Shaw before?

20 A Yes, sir.

21 Q When?

22 A Now let me get -- would you repeat that?

23 Q I will make it a little clearer. Not counting  
24 the incident that you are talking about  
25 in Clinton, had you ever seen Mr. Clay

Shaw before you came to court today?

A Today? Yes, sir.

Q Yes?

A Yes, sir, I have.

Q Where?

A In this courtroom.

Q When?

A Two weeks ago I believe I was down here.

Q I see. Two weeks ago was the first time,

other than this Clinton episode that

you have told us about? Is that cor-

rect?

A Yes, sir.

Q And in what year do you say that this Clinton episode occurred?

A 1963.

MR. DYMOND:

Mr. Alcock, I show you this photograph

which I ask be marked "Exhibit D-1"

(exhibiting photograph to Counsel).

(Whereupon, the photograph referred

to by Counsel was duly marked for

identification as "Exhibit D-1.")

BY MR. DYMOND:

Q (Exhibiting photograph to witness) Mr.

1 Manchester, I am going to show you a  
2 photograph which we have marked for  
3 identification on the reverse side "D-1,"  
4 and ask you to examine that photograph  
5 and tell me whether that resembles the  
6 person whom you saw in the black Cadillac  
7 in Clinton in 1963.

8 A No, sir, that doesn't resemble.

9 Q It doesn't resemble him at all? Is that  
10 correct?

11 A No, sir, not to me it doesn't.

12 MR. DYMOND:

13 Please mark this photograph (exhibiting  
14 document to Counsel) as "D-2."

15 (Whereupon, the photograph referred  
16 to by Counsel was duly marked for  
17 identification as "Exhibit D-2.")

18 BY MR. DYMOND:

19 Q (Exhibiting photograph to witness) Mr.

20 Manchester, I show you another photo-  
21 graph which I have identified by the  
22 marking "D-2," and I ask you whether  
23 that photograph resembles the man whom  
24 you saw in Clinton.

25 A Now what are you referring to, resemblance?



1 Q Well, whether there is any facial resemblance  
2 which you would term noticeable.

3 A The only thing that resembles the man that I  
4 saw in the Cadillac may be the gray hair  
5 at the temples, that is all.

6 Q So then it is your testimony, Mr. Manchester,  
7 that you saw a man not more than two  
8 minutes five years ago, or let us say  
9 more than five years ago, and then you  
10 saw him in court, and you can positively  
11 identify him as the person whom you saw  
12 five years ago? Is that correct?

13 A Mr. Dymond, I don't forget faces; I might for-  
14 get names but I don't forget faces.

15 Q You say you have an unusual memory for faces?

16 A In my line of work I have got to have an un-  
17 usual (memory) for faces.

18 Q Now, you are a law enforcement officer, aren't  
19 you?

20 A Yes, sir.

21 Q I understand you are Town Marshal of Clinton?

22 A That is right.

23 Q Is that an elective office or an appointive  
24 office?

25 A No, sir, that is appointive by the Town Council.

1 Q Now, you were aware that the preliminary  
2 hearing was conducted in this case, were  
3 you not, sir?

4 A Yes, sir.

5 Q -- back in April of 1967?

6 A Yes, sir.

7 Q When did you first report this testimony of  
8 yours to the District Attorney's Office  
9 here in New Orleans?

10 A I don't remember when I did first talk to the  
11 District Attorney's Office.

12 Q About how long ago?

13 A It has been two years or a year and a half ago  
14 I would say.

15 Q It was after the preliminary hearing, wasn't  
16 it?

17 A It was after Mr. Shaw was indicted. I don't  
18 know, I don't remember when the pre-  
19 liminary hearing was.

20 Q Mr. Manchester, if you had reported this to  
21 the District Attorney's Office before the  
22 preliminary hearing, would you not have  
23 considered it peculiar that you were not  
24 subpoenaed as a witness for the prelimi-  
25 nary hearing?

1 MR. ALCOCK:

2 Object to his calling for an opinion.

3 THE COURT:

4 Sustained. His opinion makes no dif-  
5 ference.

6 BY MR. DYMOND:

7 Q Is it your testimony now that you cannot tell  
8 us whether you told this to the District  
9 Attorney before or after the preliminary  
10 hearing?

11 A That is right, Mr. Dymond, because I don't  
12 know when the preliminary hearing was  
13 held.

14 Q And you can't relate these two incidents in  
15 your mind so as to be able to tell us  
16 which one came first?

17 A That is right, I can't.

18 Q Were you aware of the fact that several resi-  
19 dents of Clinton said that they had seen  
20 Lee Harvey Oswald in Clinton and in  
21 Jackson, Louisiana, back in 1963?

22 A Yes, sir.

23 Q When did you first find out about that?

24 A Soon after the Kennedy assassination.

25 Q Soon after the Kennedy assassination? Is that

1 right?

2 A Yes, sir.

3 Q Were you aware of the fact that the Warren  
4 Commission was conducting extensive in-  
5 vestigation into the assassination of  
6 President Kennedy?

7 A I knew they was conducting an investigation.

8 Q Did you have occasion to report to the Warren  
9 Commission that any testimony was availa-  
10 ble in your area which might be connected  
11 with the assassination?

12 A No, sir. I figured if they wanted it they  
13 could come and get it.

14 Q As a law enforcement officer you didn't feel  
15 it your duty to make it available to  
16 them?

17 A I felt it was my duty if they came and asked  
18 for it.

19 Q It was your duty if they came and asked for it?

20 A Yes, sir.

21 Q Would you tell us how they were supposed to  
22 know about it if you didn't tell them?

23 MR. ALCOCK:

24 Objection, Your Honor.

25 THE COURT:

1 Don't argue with the witness.

2 MR. DYMOND:

3 I am not arguing with him, I asked him  
4 a question, Judge.

5 MR. ALCOCK:

6 He is asking him to determine what was  
7 in the mind of the people who in-  
8 formed the Warren Commission. That  
9 is impossible.

10 MR. DYMOND:

11 I want to know what is in this witness's  
12 mind, Your Honor.

13 THE COURT:

14 Ask him the question.

15 MR. DYMOND:

16 Please read it back.

17 (Whereupon, the pending question  
18 was read back by the Reporter.)

19 THE COURT:

20 I don't see how he can answer the question.

21 He doesn't know whether somebody else  
22 could have told them about the Town  
23 Marshal, so I don't think the ques-  
24 tion could be answered.

25 MR. DYMOND:

1 He could know it if he knew it happened,  
2 Judge.

3 THE COURT:

4 How could he know, Mr. Dymond, if someone  
5 else called the FBI, called them and  
6 told them what the Town Marshal knew,  
7 and you don't know if he called.  
8 You are asking a hard question.

9 MR. DYMOND:

10 He could be there when the call was made.  
11 That is very simple.

12 THE COURT:

13 In other words, Mr. Manchester, you did  
14 not volunteer the information, but  
15 if they had come to see you, you  
16 would have given them the answer?  
17 Is that your answer?

18 THE WITNESS:

19 That is my answer.

20 BY MR. DYMOND:

21 Q Your answer also is that as a law enforcement  
22 officer you felt no duty to report any-  
23 thing to them? Is that right?

24 A I answered your question, Mr. Dymond.

25 THE COURT:

1 I think you have, too. Would you go  
2 to another subject, Mr. Dymond.

3 BY MR. DYMOND:

4 Q Now, could you tell me why you were investi-  
5 gating the various cars in Clinton at  
6 this time?

7 A Yes, sir. I was trying to keep out any out-  
8 side agitation, keep it out of this voter  
9 registration drive being conducted.

10 Q Now, this voter registration drive was actually  
11 a drive for the purpose of getting Negroes  
12 registered to vote, was it not?

13 A That is right, that is what it was for.

14 Q Is it not a fact that you were doing every-  
15 thing within your power to keep them from  
16 getting registered?

17 A No, sir.

18 MR. ALCOCK:

19 What is this, Your Honor, racial preju-  
20 dice in this case?

21 THE COURT:

22 Objection sustained. That is completely  
23 irrelevant to the testimony of this  
24 witness and has nothing to do with  
25 this case. I sustain the objection.

1 BY MR. DYMOND:

2 Q Is it not a fact that you suspected the  
3 occupants of that car of being there to  
4 cooperate with Negroes in trying to get  
5 registered to vote?

6 A No, sir, it was not.

7 Q It was not?

8 A It was not.

9 Q Mr. Manchester, you say that the photograph  
10 that was showed to you -- I think it was  
11 marked for identification "State-1" --  
12 was either a picture of the same car or  
13 one similar to it? Is that right?

14 A I think I said that it was the car or one very  
15 similar to it.

16 THE COURT:

17 I think that exhibit was "S-2," not  
18 "S-1."

19 MR. DYMOND:

20 "S-2."

21 That is all.

22 THE COURT:

23 Do you have further need of this witness?

24 MR. SCIAMBRA:

25 No, Your Honor.



1 THE COURT:

2 You are relieved of the subpoena. You  
3 may leave.

4 Call your next witness.

5 (Witness excused.)

6 HENRY EARL PALMER,  
7 having been first duly sworn, was examined and  
8 testified as follows:

9 DIRECT EXAMINATION

10 BY MR. SCIAMBRA:

11 Q Please state your name for the record.

12 A Henry Earl Palmer, P-a-l-m-e-r.

13 Q That is Henry Earl Palmer?

14 A Correct.

15 Q What is your address, Mr. Palmer?

16 A Jackson, Louisiana.

17 Q And how long have you lived in Jackson?

18 A Practically all my life.

19 Q What is your occupation?

20 A I am Registrar of Voters for the Parish of  
21 East Feliciana.

22 Q And where is your office located?

23 A In Clinton, Louisiana.

24 Q And how long have you been Registrar of  
25 Voters in Clinton?

1 A Eleven years.

2 Q So I take it you were the Registrar of  
3 Voters in 1963?

4 A That is correct.

5 Q And where was your office located in 1963?

6 A On St. Helena Street on the second floor of  
7 the old -- what is the name of that build-  
8 ing? -- I don't remember the name -- the  
9 building right across the street from  
10 the garage there.

11 Q In connection with your business as Registrar  
12 of Voters in Clinton, Louisiana, I call  
13 your attention to late August or early  
14 September of 1963, and I ask you if any-  
15 thing unusual was happening in Clinton  
16 at that time.

17 A Yes. In August -- I don't know exactly what  
18 time, sometime the first of August -- the  
19 Civil Rights workers came into Clinton  
20 trying to raise -- to register the  
21 people.

22 Q There was a voter registration drive?

23 A There was a voter registration drive.

24 Q Were there many people involved in this activi-  
25 ty?

- 1 A Yes, there was quite a number.
- 2 Q Were they local people or people from out of  
3 town?
- 4 A They had some out-of-town people in trying to  
5 get the local people to register.
- 6 Q Did you notice any particular strangers --
- 7 A Yes, I did.
- 8 Q -- that day? When did you have occasion to  
9 notice them?
- 10 A Well, about 10:30. I went in the office at  
11 8:30 in the morning, and I started  
12 registering people, and at 10:30 I took  
13 a coffee break. I went down the stairs,  
14 and as I was going down I noticed two  
15 white people dressed similar to the CORE  
16 workers outside, CORE workers in the line.
- 17 Q Were there many white people in line?
- 18 A No others that I remember of, these were the  
19 only two that were conspicuous.
- 20 Q And what did you say they were doing?
- 21 A Very close together.
- 22 Q When you say "very close together," do you  
23 mean spacewise or acquainted together?
- 24 A There was two or three people between them.
- 25 Q So, in other words, you had no idea --

1 A No idea.

2 Q -- whether they were with each other?

3 A That is right.

4 Q After you passed these two people in line  
5 on the way down, what did you do then?

6 A I started to cross the street to go to the  
7 cafe to get coffee, and as I started  
8 across the street I saw one of the local  
9 workers standing in the street, and just  
10 beyond him was a black Cadillac sitting  
11 there. Being a small town and very few  
12 Cadillacs in the town, I noticed it and  
13 noticed that there were two men sitting  
14 in the car.

15 Q Now, how far was this Cadillac from the  
16 Registrar's office?

17 A It was approximately 20 feet from the door  
18 east of the Registrar's office.

19 Q (Exhibiting photograph to witness) I show you  
20 a picture that the State has marked  
21 "S-2" for purposes of identification,  
22 and I ask you if you can identify the  
23 automobile in this picture.

24 A The car looks exactly like the one that was  
25 sitting in front of my office.

1 Q And when you passed this automobile on the  
2 way to the coffee shop, approximately  
3 how far from the automobile were you?

4 A I must have gotten within 16 feet of it, some-  
5 thing along that, 16 or 20 feet.

6 Q You mentioned the CORE worker standing near  
7 the automobile. Do you know this CORE  
8 worker's name?

9 A Yes, I do.

10 Q What is his name?

11 A Corey Collins.

12 Q He was working with the CORE people?

13 A Yes. He had just begun; he had registered a  
14 short time before that, and he had taken  
15 over as the President of the CORE Chapter  
16 in Clinton.

17 Q Did you have any conversation as regards this  
18 car, with anyone?

19 A Yes, when I got across the street.

20 Q What did you say and who did you say it to?

21 THE COURT:

22 Let me caution you, Mr. Palmer, you can  
23 state the name of the person you  
24 spoke to and you can state what you  
25 said, but you cannot state what he

1                   said in reply to what you said.

2                   Understand me?

3           THE WITNESS:

4                   Yes, sir.

5           THE COURT:

6                   Good. Go ahead.

7   A    I don't remember who I met across the street,  
8           it was somebody over in front of the bar-  
9           ber shop, and -- Judge, I don't know how  
10          I am going to --

11       THE COURT:

12                   I know it is going to be difficult. Just  
13                   tell us what you said, don't tell us  
14                   what he said. See if you can try to  
15                   do it.

16   BY MR. SCIAMBRA:

17   Q    Just tell us what you told him, if anything.

18   A    I didn't tell the man anything, he told me  
19           something, and I saw a law officer there  
20           -- and I don't remember which law officer  
21           it was, but it was one of the local offi-  
22           cers -- and I told him to get a 1028 on  
23           the car.

24   Q    Now, what is a 1028?

25   A    It is a registration, license registration

1 check.

2 Q In other words, checking out the identifica-  
3 tion of the automobile?

4 A That is correct.

5 Q Was this a common practice during this time?

6 A Yes, it was; when there were strange cars in  
7 town we tried to find out who they were.

8 Q What about strange individuals in town?  
9 Weren't you particularly interested with  
10 them at the time?

11 A Very much so.

12 Q Would you make it a point to notice any  
13 strangers during this time?

14 A We did, everyone that came in.

15 MR. DYMOND:

16 I am going to object to leading the wit-  
17 ness.

18 THE COURT:

19 Do not lead the witness, Mr. Sciambra.

20 BY MR. SCIAMBRA:

21 Q Did you notice any individuals in the car?

22 A Yes, I did, I saw two in the front seat.

23 Q Can you describe the individual on the passen-  
24 ger side?

25 A Well, the man on the passenger side, all I can

1 tell you about him, he appeared -- his  
2 eyebrows were heavy and his hair needed  
3 combing. He had messed-up hair, I noticed  
4 that. That is all I could see of him.

5 MR. SCIAMBRA:

6 I would like to have this marked "S-3,"  
7 for purposes of identification.

8 (Whereupon, the document referred  
9 to by Counsel was duly marked for  
10 identification as "Exhibit S-3.")

11 BY MR. SCIAMBRA:

12 Q (Exhibiting photograph to witness) I show you  
13 what the State has marked "S-3" for  
14 purposes of identification, and I ask you  
15 if you recognize the individual in this  
16 picture?

17 A I can't recognize the individual, but the hair  
18 and the eyebrows are similar.

19 Q In other words, you would say the hair and the  
20 eyebrows are similar?

21 A Yes, sir.

22 Q Do you know who this person is?

23 A From the picture I know, now.

24 Q Who is it?

25 A That is Mr. Ferrie.



1 Q Can you describe the man who was behind the  
2 wheel of the automobile?

3 A The man that was behind the wheel, I saw him  
4 sitting down. He appeared to be a tall  
5 man, he had broad shoulders and quite  
6 gray hair, and his complexion was -- well,  
7 it wasn't light, in other words, kind of  
8 ruddy complexion.

9 Q Now do you see anyone in this courtroom today  
10 who fits the same general description of  
11 the man that you saw in the automobile in  
12 Clinton?

13 A I would say that man right there (indicating)  
14 has the same kind of hair, and I can't see  
15 his shoulders from the back.

16 MR. SCIAMBRA:

17 Would you have the record reflect that  
18 this witness pointed to the Defendant  
19 Clay Shaw?

20 THE COURT:

21 Let it be so noted in the record.

22 BY MR. SCIAMBRA:

23 Q How far would you say you were from the man  
24 behind the wheel when you noticed him?

25 A I couldn't have been over 15 or 20 feet, some-

1 where in that area.

2 Q And how many times would you say you had an  
3 occasion to either look at that auto-  
4 mobile or look at the individuals in the  
5 automobile that day?

6 A Well, as far as the individuals, I didn't  
7 pay any more attention to them. The car  
8 was there -- let's see, I saw it when I  
9 went to coffee, when I came back from  
10 coffee, when I went to lunch and came back  
11 from lunch, and in the afternoon when I  
12 went to coffee and came back. That was  
13 six times I saw the car.

14 Q In other words, you would say the car was  
15 there from in the morning when you first  
16 went to get coffee, which was around 9:30,  
17 if I remember correctly?

18 A Or 10:30; from 10:30 to approximately 3:40 or  
19 something along in there.

20 Q 10:30 in the morning until 3:40 in the after-  
21 noon?

22 A Correct.

23 Q Did you have any conversations with any law  
24 enforcement officer or persons in relation-  
25 ship to the 1028 with the automobile?

1 A Yes, I did.

2 Q And who did you have the conversation with?

3 A I don't remember who it was. Whoever it was  
4 came back and --

5 MR. DYMOND:

6 Object, Your Honor.

7 THE COURT:

8 Don't tell us what you said.

9 THE WITNESS:

10 I am not going to.

11 A I asked him who it was.

12 BY MR. SCIAMBRA:

13 Q Did he tell you who it was?

14 A Yes, he told me who it was.

15 Q Now, in relationship to what he told you, did  
16 you have any comments or did you have any  
17 conversation with him?

18 A I didn't understand you.

19 Q In relationship to what he told you, did you  
20 say anything further to him?

21 A Yes, sir.

22 Q What was it?

23 A I asked him what were they doing here.

24 THE COURT:

25 I can't hear you.

1 THE WITNESS:

2 I asked them what those people were doing  
3 here.

4 BY MR. SCIAMBRA:

5 Q Did you talk to him in reference to where the  
6 automobile was from?

7 A I did.

8 Q What did you say to him in that regard?

9 A I asked him what the International Trade Mart  
10 representatives were doing in Clinton.

11 Q Did he comment about this?

12 A He did.

13 MR. DYMOND:

14 Object.

15 THE COURT:

16 He is not asking what he said, he said  
17 did he comment. He didn't ask the  
18 witness what he said. The answer is  
19 yes, he did. That is as far as you  
20 can go.

21 BY MR. SCIAMBRA:

22 Q After your morning coffee break, what was the  
23 next time you left the office?

24 A At noon -- I left at 1:00 o'clock, we was open  
25 from 9:00 until 1:00 and open again at

2:00 till 6:00.

Q Now, when you left for lunch were the two  
white people still in line?

A Yes, sir, they were.

Q Were the two men still in the front seat of  
the car?

A I am sure they were. I noticed it was still  
outside, I didn't pay any more attention,  
I tell you, except the car was still  
there.

Q Now, when did you return from lunch?

A I came back to the office about quarter of  
1:00 -- quarter of 2:00, sorry.

Q And the automobile was still parked there?

A The automobile was still parked there and I  
noticed the two men still in it.

THE COURT:

You may proceed, Mr. Sciambra. You were  
talking at the same time and it is  
hard for the Court Reporter to get  
it when two people are talking. You  
may proceed.

BY MR. SCIAMBRA:

Q Were the two men still in line?

A They were.

1 Q After your lunch break, when was the next time 90  
2 you left the office?

3 A At approximately 3:30 I went back for coffee.

4 Q Were the two men in the automobile still there?

5 A I noticed them still sitting there.

6 Q And when you returned from coffee after the  
7 coffee break, was the automobile --

8 A They were still there.

9 Q Would you tell the Court what happened when  
10 you got back in your office after the  
11 3:30 coffee break.

12 A Soon after I got back, the first white man  
13 came in the office. I asked him for his  
14 identification, and he gave me a driver's  
15 license from Livingston Parish. His name  
16 was Estes Morgan, and he didn't have  
17 enough identification to register because  
18 he couldn't prove that he was in the  
19 Parish long enough, so I sent him out.

20 Q When did the next white boy come in?

21 A Probably one or two others came between him,  
22 and then he came. I asked him for his  
23 identification, and he pulled out a U. S.  
24 Navy ID card.

25 Q (Exhibiting photograph to witness) Now I show

1                   you a picture that the State has marked  
2                   "S-1" for purposes of identification,  
3                   and I ask you if you recognize the  
4                   individual in this picture?

5           A       Yes, sir, I do.

6           Q       Is this the individual who came into your  
7                   office that day?

8           A       It is.

9           Q       Do you know who is the individual in that  
10                  picture?

11          A       Lee H. Oswald.

12          Q       Would you tell the Court what transpired when  
13                  you talked to Oswald in your office.

14          A       When Mr. Oswald came in there and gave me the  
15                  identification, ID card, I looked at the  
16                  name on it, had Lee H. Oswald with a  
17                  New Orleans address -- I don't remember  
18                  what the address was. I asked him where  
19                  he lived, and -- can I state what he said,  
20                  where he lived?

21               MR. DYMOND:

22                   We object to anything said.

23           BY MR. SCIAMBRA:

24           Q       Don't tell us anything he said.

25               THE COURT:

1 Don't tell us anything he said but tell  
2 us what questions you put to him,  
3 what you said to him. I know it is  
4 a little difficult, but try.

5 BY MR. SCIAMBRA:

6 Q In reference to what he was trying to do, tell  
7 us what you told him.

8 A He was trying to -- wanted a job at the hos-  
9 pital in Jackson.

10 MR. DYMOND:

11 If the Court please, he is trying to do  
12 indirectly what can't be done direct-  
13 ly.

14 THE COURT:

15 It is a difficult situation. Just tell  
16 us, if you will, Mr. Palmer, what  
17 you told him you had to find out from  
18 him if he told you that. Just tell  
19 us what you spoke to him about.

20 A His ID card didn't identify his living in the  
21 Parish of East Feliciana, so I told him,  
22 asked him if he knew the business manager  
23 at the hospital in Jackson or if he knew  
24 the Mayor of the Town of Jackson or if he  
25 knew the Representative of the Parish.



1 He couldn't give me any proof that he  
2 was living in the Parish long enough, but  
3 I told him he did not have to be a  
4 registered voter to get a job at the  
5 Jackson Hospital. He thanked me and left.

6 Q How long did you say you talked to Oswald at  
7 that --

8 A Oswald was in the office approximately 15 or  
9 20 minutes.

10 Q How many times did you see Oswald in line be-  
11 fore you talked to him in your office?

12 A He was in line when I went down for coffee  
13 and when I come back and went for lunch  
14 and when I come back and when I went for  
15 coffee in the afternoon and when I came  
16 back, and then he came in my office.

17 Q And how close did you get to him on these  
18 occasions?

19 A He was standing on the steps, and the steps  
20 were about four feet wide, and I had to  
21 go right by him.

22 Q Approximately what time did you leave your  
23 office that day?

24 A At approximately quarter to 6:00 I imagine,  
25 somewhere around in that area they quit

1 coming in and I closed.

2 Q Was the black Cadillac still parked outside  
3 when you left your office that day?

4 A No, sir, it had gone.

5 Q About what time did you say Oswald left your  
6 office?

7 A A little after 4:00.

8 Q And did you go outside any time between the  
9 time that he left the office and the time  
10 you left the office?

11 A No, I never left the office any more.

12 Q Did you see Lee Harvey Oswald's picture on the  
13 television or in the newspaper after the  
14 assassination?

15 A I was watching the television when they put  
16 him on the first time, and recognized  
17 him.

18 Q Where did you recognize him from?

19 A From the man that came in my office to  
20 register.

21 Q Did you see Shaw's picture in the newspapers?

22 A Yes, sir, I did.

23 Q Did you recognize him?

24 A No, sir.

25 MR. DYMOND:

1                   Objection.

2           THE COURT:

3                   What is your objection?

4           MR. DYMOND:

5                   I will withdraw the objection.

6                   (LAUGHTER)

7           THE BAILIFF:

8                   Order in court!

9           BY MR. SCIAMBRA:

10          Q       Do you remember the first law enforcement  
11                   agency or officer that you told this to?

12          A       I didn't understand that, Mr. Sciambra.

13          Q       Do you remember the first law enforcement  
14                   officer that you told this to?

15          A       Yes, I do.

16          Q       Who was that?

17          A       Mr. Francis Fruge.

18          Q       Have you ever been questioned by the FBI  
19                   about this?

20          A       I have not.

21          Q       Has the FBI ever shown any interest in the  
22                   fact that Lee Harvey Oswald was in  
23                   Jackson and Clinton?

24          MR. DYMOND:

25                   That is objected to, Your Honor, on the

1 ground that it calls for a conclu-  
2 sion of the witness as to whether the  
3 FBI has shown interest.

4 THE COURT:

5 Sustain the objection.

6 BY MR. SCIAMBRA:

7 Q Have the FBI ever contacted you?

8 A They have not.

9 MR. SCIAMBRA:

10 I tender the witness, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. DYMOND:

13 Q Now, Mr. Palmer, approximately when was this  
14 voter registration drive up there in  
15 Clinton?

16 A Mr. Dymond -- I believe it is Mr. Dymond, is  
17 it?

18 Q Yes, that is right.

19 A -- it started sometime in the last part of  
20 July.

21 Q Of what year was that, sir?

22 A Of 1963.

23 Q 1963?

24 A Yes, sir.

25 Q So if you tried to pin this down as to date,

1                    what would be the best estimate of date  
2                    that you could give?

3        A        Well, Mr. Dymond, after checking back over my  
4                    records after talking to Mr. Pruge and  
5                    them, I can pinpoint it pretty close.

6        Q        And what would you say?

7        A        It was in the last part of August or the  
8                    first part of September, right in there.

9        Q        I see. Now, when you saw these two men whom  
10                   you have described, were they sitting in  
11                   this black Cadillac, Mr. Palmer?

12      A        Yes, sir, they were.

13      Q        They were?

14      A        Yes, sir.

15      Q        And about how close to them did you get, sir?

16      A        About 15 to 20 feet.

17      Q        But you did get a good look at them?

18      A        No, sir, I didn't get a good look at them, I  
19                   just saw the back of them, I didn't see  
20                   the faces.

21      Q        You didn't see either man's face?

22      A        No, side view of the man on the right, and as  
23                   far as the man on the left, I saw the  
24                   back of his head and shoulders, just the  
25                   back part right back here (indicating),

1                   that is all I can say.

2       Q       Well, actually I guess you only saw one eye-  
3                   brow on the man with the bushy eyebrows?

4       A       Yes, just one eyebrow; he was turned kind of  
5                   to the side, you could see that.

6       Q       So actually in describing these two indi-  
7                   viduals, all that you can really describe  
8                   is the back of the head and the shoulders  
9                   of one and the profile of the other? Is  
10                  that correct?

11      A       That is correct, sir.

12      Q       And as I understand your testimony, Mr. Palmer,  
13                   you are willing to say that the one whose  
14                   profile you saw had mussed-up hair and one  
15                   bushy eyebrow? Is that correct, sir?

16      A       That is correct.

17      Q       And the other man whom you saw had gray hair  
18                   and broad shoulders?

19      A       Broad shoulders, and appeared tall from sitting  
20                   down. He could have been a short man with  
21                   a long upper waist, I couldn't tell you,  
22                   all I saw was sitting --

23      Q       In all honesty that is as far as you can go?

24      A       That is as far as I can go.

25      Q       Thank you very much.

1 THE COURT:

2 Do you have any further need of this  
3 witness, Gentlemen?

4 REDIRECT EXAMINATION

5 BY MR. SCIAMBRA:

6 Q (Exhibiting photograph to witness) Mr. Palmer,  
7 I show you a picture that the Defense  
8 has marked "D-2" for purposes of identi-  
9 fication, and I ask you if you recognize  
10 the individual in that picture.

11 A Yes, sir, I do.

12 Q Do you know who the individual in that picture  
13 is?

14 A Yes, I do.

15 Q Who is it?

16 A Mr. Banister.

17 Q Where do you know Mr. Banister from?

18 A I knew Mr. Banister in the Service in World  
19 War II.

20 Q Is there any possibility that Mr. Banister  
21 could have been the person in that auto-  
22 mobile?

23 A I am sure I would have known Mr. Banister if  
24 I had seen him.

25 Q Thank you.

1 BY THE COURT:

2 Q That is Mr. Guy Banister?

3 A Yes, sir.

4 BY MR. SCIAMBRA:

5 Q (Exhibiting photograph to witness) I show you  
6 what the Defense has marked "D-1" for  
7 purposes of identification, and I ask you  
8 do you recognize the person in that  
9 picture.

10 A No, sir.

11 THE COURT:

12 I can't hear you.

13 THE WITNESS:

14 Right offhand I can't. Looks like Guy  
15 Banister but I don't believe it is.

16 MR. SCIAMBRA:

17 No further questions, Your Honor.

18 THE COURT:

19 Do you have any further questions, Mr.  
20 Dymond?

21 MR. DYMOND:

22 Yes, just one further question.

23 RECROSS-EXAMINATION

24 BY MR. DYMOND:

25 Q (Exhibiting photograph to witness) Mr. Palmer,



1 showing you again this photograph "D-2,"

2 you say it looks like Mr. Banister but

3 you couldn't be sure? Is that right?

4 A No. If it was since I -- no, I don't believe  
5 it is Guy Banister.

6 Q Now, Mr. Palmer, in all honesty you would  
7 not testify, sir, that you could recognize  
8 Mr. Banister just by seeing the back of  
9 his head and his shoulders, would you,  
10 sir?

11 A No, but I think if Guy Banister had been there  
12 I would have seen him, I would have recog-  
13 nized him.

14 Q But not by just seeing the back of his head and  
15 his shoulders?

16 A I don't know, but I --

17 MR. DYMOND:

18 That is all, sir.

19 THE COURT:

20 Step down. Any further need of this

21 witness, gentlemen, either the State  
22 or the Defense?

23 MR. DYMOND:

24 No, sir.

25 THE COURT:

Mr. Palmer, you are excused. Take the  
Jury upstairs. We will take a re-  
cess for about ten minutes.

(Whereupon, a recess was taken.)

AFTER THE RECESS:

THE COURT:

Are the State and the Defense ready to  
proceed?

MR. DYMOND:

Yes, Your Honor.

MR. SCIAMBRA:

The State is ready.

THE COURT:

Call your next witness.

MR. SCIAMBRA:

The State calls Corrie Collins.

CORRIE COLLINS,

having been first duly sworn, was examined and  
testified as follows:

DIRECT EXAMINATION

BY MR. SCIAMBRA:

Q Would you tell us your full name for the  
record, please.

A My first name is Corrie, C-o-r-r-i-e.

Q What is your last name?

1 A Collins, C-o-l-l-i-n-s.

2 Q State your name one more time for the Court.

3 A My name is Corrie C. Collins.

4 Q Where do you live, Mr. Collins?

5 A I live in Baton Rouge.

6 Q Beg pardon?

7 A I live in Baton Rouge.

8 Q How long have you lived in Baton Rouge?

9 A Three years.

10 Q Where did you live before you lived in Baton  
11 Rouge?

12 A Clinton.

13 Q And when were you living in Clinton, Louisiana?

14 A Well, I lived about all my life in Clinton,  
15 Louisiana, until I moved to Baton Rouge.

16 Q What is your present occupation?

17 A Mailman, mail handler.

18 Q Is that out of Baton Rouge?

19 A That is right, at present.

20 Q And how long have you been with the Postal  
21 Department?

22 A Two years.

23 Q You say you were living in Clinton, Louisiana,  
24 in 1963?

25 A That is right.

1 Q And where were you working at that time?

2 A East Feliciana Hospital in Louisiana.

3 Q Were you doing anything in Clinton, Louisiana,  
4 in addition to your job at the hospital  
5 at that time?

6 A Yes.

7 Q What was it?

8 A I was Chairman of the Congress of Racial  
9 Equality.

10 Q For the Clinton area?

11 A Right, for the Clinton Chapter.

12 Q In this connection I call your attention to  
13 late August or early September, 1963,  
14 and ask you if anything unusual happened  
15 in Clinton during that period of time.

16 A Yes. We were down at the --

17 Q Talk into the mike, please.

18 A We were down in the neighborhood of the  
19 Registrar's Office, and a big black car  
20 drove up, and in the car there were three  
21 men.

22 Q Now, you say a big black car drove up. Did you  
23 see the car drive up?

24 A Yes, I was there when it drove up.

25 Q Where did the car park?

1 A It parked in front of the Registrar's Office.

2 Q How far would you say it parked from the  
3 Registrar's Office?

4 A How far from the Registrar's Office?

5 Q Yes.

6 A I would say about 20 or 30 feet.

7 Q Can you describe this car?

8 A It was a Cadillac, it was dark colored, and  
9 it was a couple of years old, within a  
10 couple of years.

11 Q (Exhibiting photograph to witness) I show you  
12 what the State has marked "S-2" for  
13 purposes of identification, and I ask you  
14 if you recognize the automobile in this  
15 picture.

16 A This would be the same, about the same car,  
17 yes.

18 THE COURT:

19 Speak a little louder so we can hear you.

20 What was your answer?

21 THE WITNESS:

22 Yes.

23 THE COURT:

24 I can hear you. Repeat your answer.

25 THE WITNESS:

1 Yes, this would be the same car.

2 THE COURT:

3 You are dropping your voice. Keep it on  
4 the same level.

5 BY MR. SCIAMBRA:

6 Q What was your response to this automobile?

7 A What was the response to it?

8 Q Yes.

9 A Yes, this would be the same car, yes.

10 Q You mean the same kind of car?

11 A Yes, same type car.

12 Q Would there be any particular reason for you  
13 to be noticing strange cars in town around  
14 that time?

15 A Yes, it was part of my duties. Usually during  
16 the day I would make trips at different  
17 intervals through town to check and see  
18 if there were anything unusual going on  
19 or if the people that were trying to  
20 register were having any trouble or any  
21 difficulty.

22 Q And in this connection I take it you spent most  
23 of your time around the Registrar's Office?

24 A Yes, in most cases.

25 Q Was this car familiar to you?

- 1 A No, it wasn't.
- 2 Q Had you ever seen it before?
- 3 A No, I had never seen it before.
- 4 Q Approximately what time did the car pull up?
- 5 A I would say between 9:30 and 10:00.
- 6 Q Did you notice any people in the car?
- 7 A Yes.
- 8 Q How many people?
- 9 A There were three people.
- 10 Q And how were they seated in the automobile?
- 11 A There were two in front and one in the rear.
- 12 Q After the automobile pulled up, did these
- 13 people do anything in the car?
- 14 A Yes, one man got out.
- 15 Q Could you tell from where in the car the man
- 16 came from?
- 17 A Yes, he got out of the rear.
- 18 Q Out of the rear seat?
- 19 A Right.
- 20 Q (Exhibiting photograph to witness) I show you
- 21 what the State has marked "S-1" for pur-
- 22 poses of identification, and I ask you if
- 23 you can recognize the individual in this
- 24 photograph.
- 25 A Yes.

1 Q Where do you recognize him from?

2 A Well, immediately I recognize him from seeing  
3 him in Clinton. This is the man that did  
4 get out of the car.

5 Q Do you know who that person is now?

6 A Yes, I know who.

7 Q Who is it?

8 A It is Lee Harvey Oswald.

9 THE COURT:

10 What did you say? I didn't hear his  
11 answer and I am right next to him.

12 What was your answer?

13 THE WITNESS:

14 Yes, he is Lee Harvey Oswald.

15 BY MR. SCIAMBRA:

16 Q When Oswald got out of the back seat of the  
17 car, did you notice what the other two  
18 men in the front seat were doing?

19 A They didn't get out, they remained in the car.

20 Q How far from the car were you when you noticed  
21 it?

22 A I would say about 20 or 30 feet.

23 Q Did anyone go up to the automobile while you  
24 were looking at it?

25 A Yes, Manchester went to the automobile.



1 Q Now, Manchester, who is Manchester?

2 A He is the Town Marshal in Clinton.

3 Q Did you see what he did when he went up to the  
4 automobile?

5 A Well, he talked with the -- he walked up to the  
6 driver's side and he talked with --

7 Q Now, don't tell us anything he may have said.

8 A No, I am not saying anything that he may have  
9 said, but he talked with the occupants  
10 of the car.

11 Q How long would you say he talked to the driver  
12 of the car?

13 A Well, I wouldn't have any idea how long he  
14 talked, but he did talk with them.

15 Q In relationship to Manchester going up and  
16 talking to the driver of the automobile,  
17 did you have any comment?

18 A Yes, we said that they are trading with the  
19 enemy, this is the statement we made.

20 Q Now, what did you mean by that?

21 A When the car drove up it was our assumption  
22 that they were maybe Federal men or FBI  
23 agents, and at that time Manchester was  
24 considered the enemy, so we said that  
25 they were trading with the enemy.

1 Q Can you describe the men in the car in the front 110  
2 seat?

3 A Yes.

4 Q Can you describe the man behind the wheel?

5 A Yes, heavy built, gray hair. I would say he  
6 was between 40 and 50, somewhere in that  
7 area, and he had on a light color hat.

8 Q Do you see the man behind the wheel in this  
9 courtroom today?

10 A Yes.

11 Q Would you point to him, please?

12 A (Indicating) Right here.

13 MR. SCIAMBRA:

14 Would you have the record reflect that  
15 the witness pointed to the Defendant  
16 Clay Shaw?

17 THE COURT:

18 Let it be so noted in the record.

19 BY MR. SCIAMBRA:

20 Q Did you get a chance to see the person on the  
21 passenger side of the car?

22 A Yes.

23 Q Can you describe him?

24 A I would say he was medium built, but the most  
25 outstanding thing about him was his eye-

brows and his hair. They didn't seem real, in other words, they were unnatural, didn't seem as if they were real hair.

Q (Exhibiting photograph to witness) I show you a picture that the State has marked for purposes of identification "S-3," and I ask you if you can identify or do you recognize the person in this picture?

A Yes, this is the other man that was in the car.

Q Do you know who this person is?

A Yes, that is David Ferrie.

Q Did you ever see any of the men get out of the car in the front seat?

A No, I only saw the one man get out.

Q Did you see Lee Harvey Oswald's picture in the paper after the assassination of President Kennedy?

A Yes.

Q Did you recognize him?

A Yes.

Q From where?

A I recognized him from having seen him in Clinton. I didn't at the particular time place just where I saw him, but I knew it was from the Clinton area that I

1 had seen him.

2 Q Did you see the Defendant Clay Shaw's picture  
3 in the paper after the arrest of him?

4 A Yes.

5 Q Did you recognize him?

6 A Yes, I recognized him, yes, I recognized him,  
7 yes.

8 Q What about Dave Ferrie?

9 A Yes, I recognized him.

10 Q Did you recognize him from Clinton?

11 A Yes, from the Clinton area.

12 MR. SCIAMBRA:

13 I will show this picture to Mr. Dymond  
14 (exhibiting photograph to Counsel).

15 BY MR. SCIAMBRA:

16 Q (Exhibiting photograph to witness) Is this a  
17 picture of the same person who got out of  
18 the back seat of that car?

19 THE COURT:

20 Identify it first, Mr. Sciambra.

21 MR. SCIAMBRA:

22 "S-1" for purposes of identification.

23 THE COURT:

24 All right.

25 A Yes.

1 BY MR. SCIAMBRA:

2 Q You know the individual in this picture?

3 A Beg pardon?

4 Q Do you know who the individual in this picture  
5 is?

6 A Yes.

7 Q Who is it?

8 A Lee Harvey Oswald.

9 Q Do you remember the first law enforcement  
10 officer that you told this to?

11 A Yes.

12 Q Who was it?

13 A Lieutenant Fruge.

14 Q Have you ever been questioned by the FBI re-  
15 garding this person?

16 A No.

17 MR. SCIAMBRA:

18 I tender the witness, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. DYMOND:

21 Q Mr. Collins, when you saw the person that you  
22 say was Lee Harvey Oswald get out of this  
23 car, where were you standing?

24 A Where was I standing?

25 Q Yes.

1 A In the vicinity of the Registrar's Office.

2 Q Were you standing in front of the Registrar's  
3 Office would you say?

4 A Not directly, no.

5 Q But almost in front? Is that right?

6 A Yes, to an angle from it.

7 Q I see. You were standing there when you saw  
8 this man get out of the black Cadillac?  
9 Is that correct?

10 A Beg pardon?

11 Q You were standing there when you saw this man  
12 get out of the black Cadillac? Is that  
13 right?

14 A That is right.

15 Q Now, where was Mr. Manchester at that time,  
16 do you know?

17 A Where was Mr. Manchester at that time?

18 Q Yes.

19 A I don't know where he was at the precise time  
20 that the car drove up.

21 Q I didn't ask you about when the car drove up,  
22 I said when the man whom you identified  
23 as Oswald got out of the car.

24 A I don't know where he was at that time.

25 Q When did you first see Mr. Manchester after

1                   you saw this man get out of the car?

2       A       I saw Mr. Manchester as he approached the car.

3       Q       Where at that time was the man who had gotten

4                   out of the car?

5       A       He had gone to the -- into the Registrar's

6                   Office.

7       Q       He had gone into the Registrar's Office, is

8                   that right?

9       A       He had gone into the building where the

10                  Registrar's Office is.

11      Q       I see. The man you identified as Lee Harvey

12                  Oswald you say got out of that car. How

13                  was he dressed at that time?

14      A       He was dressed neat.

15      Q       Describe his clothing for me.

16      A       Beg pardon?

17      Q       Describe his clothing for me.

18      A       Well, he had on slacks.

19      Q       What color slacks?

20      A       I don't remember what color slacks.

21      Q       What color shirt?

22      A       It was a light color shirt.

23      Q       Are you sure it was a light colored shirt?

24      A       Yes.

25      Q       Did you notice his shoes?

1 A No.

2 Q You don't know what color shoes he had on?

3 Is that right?

4 A No.

5 Q Did he have on a coat?

6 A No.

7 Q You are positive of that?

8 A Yes.

9 Q Now, how did you first become a witness in

10 this case, Mr. Collins? Did they come to

11 you or did you go to the D.A.'s Office,

12 or how did you become a witness?

13 A They came to me.

14 Q When?

15 A A few months after the Defendant was arrested.

16 Q Was that before or after the preliminary hear-

17 ing?

18 A That was a few months after the Defendant was

19 arrested.

20 Q A few months after the Defendant was arrested?

21 A Yes, sir.

22 Q Now, do you know what caused them to come to

23 you?

24 MR. SCIAMBRA:

25 Objected to, Your Honor.



1 THE COURT:

2 I sustain your objection.

3 MR. DYMOND:

4 If the Court please, if he doesn't know,  
5 all he has to do is say he doesn't  
6 know.

7 THE COURT:

8 You can reserve a bill. I sustain the  
9 objection.

10 MR. DYMOND:

11 Which I do reserve a bill, making the  
12 question, the statement, the objection,  
13 the Court's ruling parts of the bill  
14 together with the entire record.

15 BY MR. DYMOND:

16 Q Did you give the District Attorney's Office  
17 or any law enforcement officers informa-  
18 tion to the effect that you could be a  
19 witness in this case at any time shortly  
20 before you had your first interview with  
21 a representative of the District Attorney's  
22 Office?

23 A No.

24 Q Well, then you don't know what caused them to  
25 come to you, do you?

1 A I don't.

2 Q Now, you were aware that the Warren Commission  
3 was conducting an extensive investigation  
4 into the assassination of President  
5 Kennedy, were you not?

6 A I was aware that they were investigating it.

7 Q I see. At the time that you were aware of  
8 the fact that this investigation was  
9 being conducted, you knew that you had  
10 seen Lee Harvey Oswald in Clinton, did  
11 you not?

12 A That is true.

13 Q Did you report this to the Warren Commission  
14 or the FBI or any Federal agency?

15 A No.

16 Q Why not?

17 A No one asked me.

18 Q You didn't consider it your duty to report it?

19 A Beg your pardon?

20 Q You didn't consider it your duty to report it?

21 A Well, I felt like if they wanted to know they  
22 would ask me.

23 Q Were they supposed to just guess that you had  
24 information, or what?

25 MR. ALCOCK:

1                   Objection.

2                   THE COURT:

3                   I sustain the objection.

4                   (Reporter's Note: No bill reserved.)

5                   BY MR. DYMOND:

6                   Q       Now, I understand you were about 20 or 30 feet  
7                               away from the car when looking at it? Is  
8                               that right?

9                   A       That is right.

10                  Q       How long were you looking at it?

11                  A       I don't remember exactly how long it was.

12                  Q       Approximately how long?

13                  A       I couldn't be sure of that either.

14                  Q       Well, one minute, a half a minute, two minutes?

15                  A       It was more than a minute, yes, it was a  
16                               matter of minutes.

17                  Q       A matter of how many minutes, about?

18                  A       I don't know exactly how many.

19                  Q       You don't know. How long did that black  
20                               Cadillac stay where you saw it parked?

21                  A       I don't know that either.

22                  Q       Now, before you saw the occupants of this auto-  
23                               mobile in Clinton back in 1963, had you  
24                               ever in your life seen any one of the  
25                               three before?

1 A No, I hadn't.

2 Q And you say you looked at them for a couple of  
3 minutes from 20 or 30 feet away? Is that  
4 correct?

5 A Yes. I didn't say a couple of minutes, I  
6 didn't say exactly how many minutes.

7 Q A matter of minutes, right.

8 A Right.

9 Q Now, when was the first time that you saw a  
10 picture of this Defendant Clay Shaw?

11 A When was the first time? It was -- I saw it  
12 in the news release after he was arrested.

13 Q That would be in 1967, is that correct?

14 A I believe so.

15 Q Prior to seeing his picture in the paper upon  
16 his arrest, had you ever seen him before  
17 in person?

18 A No, no more than that day.

19 Q So on the basis of a picture which you saw in  
20 the paper, it is your testimony that you  
21 recognized a man whom you had seen for a  
22 matter of minutes over three years ago,  
23 is that right?

24 A On the basis of which picture I saw in the  
25 paper?

1 Q That is right.

2 A Is that -- rephrase your question, state your  
3 question, please.

4 Q On the basis of a picture that you saw in the  
5 paper, is it your testimony that you  
6 recognized a man whom you had seen for  
7 only a matter of minutes from 20 or 30  
8 feet away over three years before?

9 A I have seen him since.

10 Q I asked you whether you had ever seen him be-  
11 fore the picture.

12 A You said before, yes; I say I have seen him  
13 since.

14 Q Where did you see him since?

15 A I saw him here in this courtroom.

16 Q The first time that you saw him, the picture,  
17 was shortly after his arrest?

18 A That is right.

19 Q And you say you recognized the picture?

20 A As having seen him before, yes.

21 Q In Clinton? Is that right?

22 A That is right, in the Clinton area, yes, sir.

23 Q Did you recognize him as the man that you saw  
24 in that automobile when you saw his pic-  
25 ture?

1 A When I saw his picture, not immediately, no.

2 Q Not immediately?

3 A No.

4 Q When did you finally recognize him?

5 A After I had studied his picture and --

6 Q Wait. I didn't hear that.

7 A After I had looked at his picture and studied  
8 his picture, then I began to place where  
9 I saw him, yes.

10 Q So you looked at this picture and studied it?

11 A Yes, after I saw the familiarity where I knew  
12 I had seen him before, then I began to  
13 place where I saw him, yes.

14 Q I see. Now I will repeat my question: And  
15 you say that after studying this picture  
16 in 1967, you recognized a man whom you  
17 had seen for only a matter of minutes  
18 from 20 or 30 feet away over three years  
19 before that?

20 A Yes.

21 Q And that is your testimony under oath?

22 A Beg your pardon?

23 THE COURT:

24 You don't have to repeat that, Mr. Dymond,  
25 it is obvious he took the oath.

1 MR. DYMOND:

2 I want to make sure he realizes it, Judge.

3 THE COURT:

4 He took an oath before he took the stand.

5 MR. DYMOND:

6 I am trying to find out whether he has  
7 forgotten it.

8 THE WITNESS:

9 No, I haven't forgotten it.

10 BY MR. DYMOND:

11 Q You haven't. Now, the two men other than the  
12 one whom you have identified as Lee  
13 Harvey Oswald, did they ever get out of  
14 the automobile?

15 A Not while I was there, no.

16 Q So they were sitting in the automobile when you  
17 were looking? Is that right?

18 A That is right.

19 Q So you had no way of knowing how tall or how  
20 short either one of them was? Is that  
21 correct?

22 A That is right.

23 Q Tell me this, Mr. Collins, what is the main  
24 point of identification that you discovered  
25 after studying this picture with respect

to Mr. Shaw?

A Well, I saw his face and the gray hair and the build of his shoulders.

Q You saw the gray hair, his face, and the width of the shoulders? Is that correct?

THE COURT:

Build.

BY MR. DYMOND:

Q -- the build of his shoulders?

A Yes.

Q Didn't you testify a few minutes ago he had a hat on?

A Yes.

Q How did you see the gray hair through the hat?

A The hat didn't completely cover his head.

Q Oh, I see. So you mean he had some gray --

A Right.

Q -- down around the temples? Is that right?

A Right.

Q And that is one of your main points of identification? Is that correct?

A Yes.

Q Now, was this automobile to your right or to your left as you were looking at it?

A To my right or to my left?



- 1 Q That is correct.
- 2 A I don't remember.
- 3 Q You don't remember whether it was to your
- 4 right or to your left?
- 5 A No.
- 6 Q Was it parked on the same street on which you
- 7 were standing in front of the Registrar's
- 8 Building?
- 9 A That is right.
- 10 Q Was it on the other side of the street or your
- 11 side of the street?
- 12 A It was on my side of the street.
- 13 Q And you don't recall whether it was to your
- 14 right or to your left, is that correct?
- 15 A No, because I wasn't necessarily standing in
- 16 one position at all times.
- 17 Q Now, laterally, that is, how far down the
- 18 street or up the street from where you
- 19 were standing was the car parked?
- 20 A How far up the street or down the street?
- 21 Q That is correct.
- 22 A I don't know.
- 23 Q Well, you can estimate, can't you?
- 24 A Then I couldn't be sure.
- 25 Q I am not asking you to be sure, I am asking

1                   you to estimate.

2       A       How far up or down the street?

3       Q       That is correct.

4       A       It is about a car length.

5       Q       About a car length. Well, what would make up  
6                   the rest?

7       A       From the position where I was standing, it  
8                   was about --

9       Q       What would make up the rest of the 20 or 30  
10                  feet that you said separated you?

11      A       Because I was on an angle from the car.

12      Q       So if you don't remember whether the car was  
13                  parked to the right or to the left of  
14                  you, you wouldn't remember whether you  
15                  were looking at the front or the back of  
16                  these men, would you?

17      A       Yes, I was looking at the front.

18      Q       Well, if you can remember that, why can't you  
19                  remember in which direction the car was  
20                  parked?

21      A       In which direction the car was parked?

22      Q       That is right, whether it was to your right or  
23                  to your left.

24      A       I can't answer that.

25      Q       You can't answer that?

1 MR. SCIAMBRA:

2 I don't believe the witness understands  
3 the question, because I don't believe  
4 Mr. Dymond knows what position he is  
5 talking about.

6 MR. DYMOND:

7 If the Court please, the witness answered  
8 that he couldn't answer that, he  
9 didn't make any complaint about under-  
10 standing.

11 BY THE COURT:

12 Q Did you understand the question, Mr. Collins?

13 A Not truly.

14 THE COURT:

15 Can you rephrase the question?

16 MR. DYMOND:

17 I ask that it be read back.

18 THE COURT:

19 Read it back.

20 (Whereupon, the foregoing question  
21 and answer were read back by the  
22 Reporter as follows:

23 "Q That is right, whether it was  
24 to your right or to your left.

25 "A I can't answer that.")

That is your answer.

BY MR. DYMOND:

Q Was this a bright sunny day or a rainy day?

A It wasn't raining.

Q Was the sun shining?

A I can't say for sure whether the sun was  
shining.

Q What day of the week was this?

A It would have been on -- I don't know the  
exact day.

Q Now, the two men that you saw in this auto-  
mobile, commencing with the one whom you  
have identified as this Defendant, would  
you describe the clothing that he wore?

A The two men in the automobile?

Q Yes.

A From what I could see they both had on coat  
and shirt.

Q Is that the best you can do, or can you tell us  
the color of their --

A No, I can't tell you the color of their gar-  
ments.

Q Now, the one who was sitting on the passenger  
side, did he have on a hat or not?

- 1 A No, he didn't have on a hat.
- 2 Q Did you hear about that?
- 3 A I didn't say he had on --
- 4 Q You are sure you didn't see him with it?
- 5 A I didn't see him with a hat on.
- 6 Q Now, before coming into court today, had you
- 7 ever seen this Defendant Clay Shaw before
- 8 in your life other than this time that
- 9 you claim to have seen him in Clinton?
- 10 A Before today?
- 11 Q That is right.
- 12 A Yes.
- 13 Q When?
- 14 A When the trial first began.
- 15 Q When the trial first began?
- 16 A I mean the selection of the jury then.
- 17 Q All right. In other words, you are talking
- 18 about the 21st --
- 19 A Yes.
- 20 Q -- of January?
- 21 A Whichever the day was, yes, sir.
- 22 Q Was he pointed out to you?
- 23 A No, he wasn't pointed out to me.
- 24 Q He wasn't pointed out to you? You saw him
- 25 here in court at that time? Is that

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correct?

A That is right.

Q And I would take it that according to your  
testimony you had not seen this defendant  
between 1963 and January 21, 1969, is  
that correct?

A That is right.

Q And you say it is the same man? Right?

A That is right.

MR. DYMOND:

That is all.

MR. SCIAMBRA:

No further questions, Your Honor.

THE COURT:

Do you have any further need of Mr.  
Collins?

MR. SCIAMBRA:

No further need, Your Honor.

THE COURT:

Do you, Mr. Dymond?

MR. DYMOND:

No, Your Honor.

THE COURT:

You are excused.

(Witness excused.)

1 MR. ALCOCK:

131

2 As I appreciate it, the Court had  
3 announced that we would terminate  
4 at 5:30. I would like to suggest  
5 that perhaps we not call the next  
6 witness at this time rather than  
7 break up the direct or cross-  
8 examination.

9 THE COURT:

10 I will accede to your request.

11 I would like to make a statement off the  
12 record.

13 (Statement of the Court off  
14 the record.)

15 THE COURT:

16 As I have in the past so many times, and  
17 will again every time you leave to  
18 go at night or leave the court, I  
19 must admonish you and instruct you  
20 not to discuss the case among your-  
21 selves. Even if you get away from  
22 the Sheriff, do not discuss it among  
23 yourselves. We never know when some-  
24 one may overhear you, and if you do  
25 discuss it, it is reversible error

1 and we will have it to do all over  
2 again. Do not discuss the case  
3 among yourselves or with any other  
4 person.

5 You will now be retired for the night.

6 If there are any special needs that  
7 you gentlemen have, let these offi-  
8 cers who are in charge of you know  
9 about it. If they cannot supply your  
10 need, see me and I will see if I can  
11 get it for you.

12 It is now 5:25. I will turn you over to  
13 the safekeeping of the representa-  
14 tives of the Sheriff's Office.

15 Let everybody be seated until the Jury  
16 leaves. We now stand adjourned until  
17 9:00 o'clock tomorrow morning.

18  
19 . . . . Thereupon, at 5:25 o'clock p.m., the  
20 proceedings herein were adjourned to Friday,  
21 February 7, 1969 at 9:00 o'clock a.m. . . . .  
22  
23  
24  
25

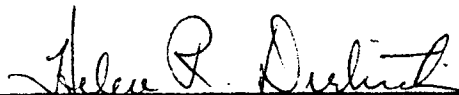


C E R T I F I C A T E

I, the undersigned, Helen R. Dietrich, do  
hereby certify:

That the above and foregoing (132 pages of  
typewritten matter) is a true and correct transcription  
of the stenographic notes of the proceedings had herein,  
the same having been taken down by me and transcribed  
under my supervision, on the day and date hereinbefore  
noted, in the Criminal District Court for the Parish of  
Orleans, State of Louisiana, in the matter of State  
of Louisiana vs. Clay L. Shaw, 198-059 1426 (30) Section  
"C" on the 6th day of February, 1969, before the Honorable  
Edward A. Haggerty, Jr., Judge, Section "C", the same  
being an excerpt of the proceedings as to certain  
witnesses contained in the index hereof.

New Orleans, Louisiana, this 23rd day of May,  
1969.

  
HELEN R. DIETRICH  
REPORTER

Dunn + HOSPITAL WICKERS

2009

**CRIMINAL DISTRICT COURT**

**PARISH OF ORLEANS**

**STATE OF LOUISIANA**

**STATE OF LOUISIANA**

**versus**

**CLAY L. SHAW**

**NO. 198-059**

**1426(30)**

**SECTION "C"**

**EXCERPT OF**

**PROCEEDINGS IN OPEN COURT on**

**February 7, 1969.**

**B E F O R E :**

**HONORABLE EDWARD A. HAGGERTY, JR.**

**JUDGE, SECTION C**

**Dietrich & Pickett, Inc.**

*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130 - 522-3111

I N D E X

WITNESS	DIRECT	CROSS	RE-DIRECT	RE-CROSS
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WILLIAM DUNN, SR.	4	15		
MRS. BOBBIE DEDON	34	38		
MRS. MAXINE KEMP	40	48	49	

1 . . . . Pursuant to the adjournment  
2 of Thursday, February 6, 1969, the  
3 Proceedings herein were resumed at  
4 10:00 o'clock a.m. on Friday,  
5 February 7, 1969, appearances being  
6 the same as heretofore noted in the  
7 record . . . .

8 THE COURT:

9 I have been requested by Mr. Dymond of  
10 the Defense not to bring the Jury  
11 down because he wished to make an  
12 oral motion.

13 I will be glad to entertain  
14 you, Mr. Dymond.

15 MR. DYMOND:

16 If the Court please, at this time on  
17 behalf of the Defendant we move  
18 for permission to withdraw from the  
19 registry of the Court, or from  
20 evidence, if it is done after it is  
21 introduced in evidence, the document  
22 referred to by the State in its  
23 opening statement as the "VIP Book  
24 of Eastern Airlines" for the purpose  
25 of having Mr. Gilbert Fortier, a

1                   duly qualified handwriting expert,  
2                   make an examination of the purported  
3                   signature in that book.

4           THE COURT:

5                   Is there any objection?

6           MR. ALCOCK:

7                   Your Honor, the State has no objection  
8                   to that, with this one proviso,  
9                   that a representative of the  
10                  District Attorney's Office is pres-  
11                  ent at the time that Mr. Fortier  
12                  does examine this document.

13          MR. DYMOND:

14                  We have no objection at all to that,  
15                  Judge.

16          THE COURT:

17                  Very well. At the proper time I will so  
18                  order the document to be placed in  
19                  a position where your expert can  
20                  make an examination of it.

21                           Do you have any further motions?

22          MR. DYMOND:

23                  That is all.

24          THE COURT:

25                  Bring the Jury, please.

(Whereupon, the Jury was recalled  
to the courtroom.)

THE COURT:

Are the State and the Defense ready to  
proceed?

MR. DYMOND:

We are ready, Judge.

THE COURT:

Call your next witness.

MR. SCIAMBRA:

The State calls Mr. William Dunn.

...oOo...

WILLIAM DUNN, SR.,

a witness called by and on behalf of the State,  
having been first duly sworn, was examined and  
testified as follows:

DIRECT EXAMINATION

BY MR. SCIAMBRA:

Q State your name to the Court, please.

A William Dunn, Sr.

Q And where do you live, Mr. Dunn?

A I live in Clinton.

Q Clinton, Louisiana?

A Clinton, Louisiana.

Q And how long have you lived in Clinton,

Louisiana?

A Practically all my life.

Q And what is your occupation?

A Farming and construction work there.

Q And how long have you been farming and doing  
construction work?

A Mostly all my life.

Q Were you doing this work in 1963?

A I was.

Q In connection with this work did you have  
occasion to do any of this work in  
Clinton in the summer of '63?

Q I was.

Q Did you have any purpose to go in to Clinton,  
Louisiana, in addition to your regular  
jobs, in the summer of 1963?

A Yes, I did.

Q What was that occasion?

A I was working with CORE in Clinton.

Q The Congress of Racial Equality?

A The Congress of Racial Equality people.

Q And this was in the summer of 1963?

A 1963.

Q In relationship with your dealings with CORE,  
what did this consist of?

1 A I beg your pardon?

2 Q What were you doing for CORE in Clinton,  
3 Louisiana?

4 A Trying to help register people up.

5 Q Was this the time when they had the registration  
6 drive going on?

7 A That is right, the registration drive was going  
8 on.

9 Q Did you get in to Clinton a lot?

10 A I did.

11 Q In the course of your activity with CORE in  
12 Clinton, Louisiana, I call your attention  
13 to late August or early September of 1963,  
14 and I ask you: Did you have occasion to  
15 see any strange cars in town at that time?

16 A Yes, I did, I seen a black Cadillac parked in  
17 Clinton.

18 Q Where was the black Cadillac?

19 A Right in front of the Registrar's Office.

20 Q Can you remember about when this was?

21 A I was standing in front of the Registrar's  
22 Office door.

23 Q About when was this?

24 A About when it was?

25 Q Yes, when.



1 A Oh, in 1963, late August or early September.

2 Q How can you arrive at that time?

3 A I arrived because it was about a month and a  
4 half before you go to cane farming.

5 Q About a month and a half before you go into  
6 cane farming. And when was the date you  
7 went to cane farming?

8 A I didn't understand you.

9 Q What date did you go on the cane farming?

10 A Usually goes on the cane farming on the 13th  
11 of October.

12 Q In other words, about a month or a month and a  
13 half before October 13, 1963?

14 A Month and a half before October 13.

15 Q About how far from the Registrar's Office would  
16 you say the black Cadillac was parked?

17 A Maybe 20 or 30 feet.

18 Q Can you describe the black Cadillac?

19 A I can.

20 Q Would you give us a description?

21 A It was a big black Cadillac, shiny looking. I  
22 saw mostly the front of it though.

23 Q (Exhibiting photograph to witness) I show you  
24 a photograph which the State has marked  
25 "S-2" for purposes of identification, and

1 I ask you if you can identify the auto-  
2 mobile in this photograph.

3 A This looks like the car right here.

4 Q Just like the car parked in front of the  
5 Registrar's Office?

6 A Yes, sir.

7 Q Was there any particular reason why you  
8 happened to notice this car?

9 A Yes, it was a strange car to me, I had never  
10 seen that car before there in town. Fact  
11 of the business, the car was there -- I  
12 thought it was the FBI.

13 Q You thought the car was the FBI?

14 A I thought it was the FBI.

15 Q Were there FBI agents in the area at that time?

16 A I believe it was.

17 Q Would it be fair to say that in the course of  
18 this registration drive --

19 MR. DYMOND:

20 I object to leading the witness,  
21 Your Honor, "Would it be fair to  
22 say."

23 THE COURT:

24 Rephrase your question, if you will,  
25 Mr. Sciambra.

1 BY MR. SCIAMBRA:

2 Q Were you paying attention to all strange cars  
3 in the area at the time?

4 A I was, all the strange cars, I was paying close  
5 attention.

6 Q Can you remember about what time of the day  
7 you got there?

8 A I got there about 9:00 or 9:30.

9 Q In the morning?

10 A In the morning.

11 Q Was the black Cadillac there when you got  
12 there?

13 A No, it wasn't there when I got there.

14 Q Did you see the car pull up?

15 A No, I did not.

16 Q What did you do when you got in Clinton that  
17 day?

18 A I went on and got in the registration line.

19 Q Right in the Registration Office, you say?

20 A In the Registration Office, yes, near to the  
21 Registration Office, but I was in the  
22 line.

23 Q Did you stay in the Registrar's Office?

24 A No, I didn't stay.

25 Q -- all morning?

1 A I didn't stay in there, I come down and talked  
2 with some of the CORE workers I was  
3 working with.

4 Q Do you remember any of the CORE workers that  
5 you talked to when you came downstairs?

6 A Corrie Collins.

7 Q Corrie Collins was also working for CORE?

8 A That is right.

9 Q Can you remember approximately where you were  
10 standing when you first noticed the black  
11 Cadillac?

12 A I was standing in front of the Registration  
13 Office, just on the outside.

14 Q About how far from the car were you?

15 A Oh, about 20 or 30 feet.

16 Q Did you notice if there were any people in the  
17 car?

18 A Yes, I did.

19 Q How many?

20 A I knows one man was setting behind the wheel,  
21 and maybe be another one but I am not  
22 sure.

23 Q In the front seat maybe another one?

24 A On the front seat.

25 Q But you are not sure about the other one?

1 A I am not sure about the other one.

2 Q What made you notice the man behind the wheel?

3 A Because he was a stranger to me.

4 Q How far away from the car were you when you  
5 noticed the man behind the wheel?

6 A About 20 or 30 feet.

7 Q Can you approximate how long you had to look  
8 at him?

9 A Five or ten minutes.

10 Q Can you describe the man behind the wheel?

11 A I can. He was -- big shoulders, big man, and  
12 grey hair.

13 Q Do you see that man in this courtroom today?

14 A I do.

15 Q Would you point him out, please?

16 A (Indicating) Right here.

17 MR. SCIAMBRA:

18 May we have the record reflect that the  
19 witness pointed to the Defendant  
20 before the bar, Clay Shaw?

21 THE COURT:

22 Let it be noted in the record.

23 BY MR. SCIAMBRA:

24 Q What was he doing in the car?

25 A Just setting in the car.

1 Q Did you notice anyone go up to the car?

2 A No, sir, I didn't.

3 Q Were there many people in line waiting to  
4 register?

5 A It was.

6 Q About how many people would you say were in  
7 line?

8 A Oh, 25 or 30.

9 Q Did you notice any strangers in the registra-  
10 tion line?

11 A I did, I noticed one young white boy in the  
12 registration line.

13 Q (Exhibiting photograph to witness) I show you  
14 a picture that the State has marked "S-1"  
15 for purposes of identification, and I ask  
16 you if you recognize the individual in  
17 this picture?

18 A That is the boy's picture was standing in line.

19 Q Do you know who this person is?

20 A I do.

21 Q Who is it?

22 A Lee Oswald.

23 Q Was there any particular reason why you  
24 happened to notice this boy?

25 A He was a stranger to me, I had never seen him

1 before.

2 Q Were there many white people in line?

3 A Just a few.

4 Q How many would you say?

5 A Maybe four or five.

6 Q Did you ever talk to Oswald?

7 A No, sir, I did not.

8 Q About how many times would you say you passed  
9 Oswald that day?

10 A Just a few times.

11 Q Was he in line every time you passed him?

12 A Every time I passed.

13 Q Do you remember what time you got to talk to  
14 the Registrar that day?

15 A About the middle of the day.

16 Q And how long did you talk to the Registrar?

17 A Just a short while.

18 Q And who is the Registrar, or who was the  
19 Registrar at that time?

20 A Palmer.

21 Q Henry E. Palmer?

22 A Henry E. Palmer.

23 Q Can you remember about what time you left the  
24 Registrar's Office?

25 A I left there about 2:00 or 2:30.

1 Q Was Oswald in line when you left?

2 A He was in line when I left.

3 Q What did you do after you left the  
4 Registrar's Office?

5 A I went on home, went to my farm.

6 Q Did you ever see Oswald get out of that line?

7 A No, sir, I did not.

8 Q Did you see Oswald's picture in the newspaper  
9 after the assassination of  
10 President Kennedy?

11 A I did.

12 Q Did you recognize him?

13 A Sure did.

14 Q Where did you recognize him from?

15 A I recognized him from seeing him in Clinton,  
16 my home town.

17 Q Did you see Clay Shaw's picture in the paper  
18 after that?

19 A I did.

20 Q Did you recognize him?

21 A I recognized him.

22 Q Where did you recognize him from?

23 A Recognized him from seeing him in my home town  
24 setting in the black Cadillac.

25 MR. SCIAMBRA:



1 Tender the witness, Your Honor.

15

2 CROSS-EXAMINATION

3 BY MR. DYMOND:

4 Q How did you become a witness in this case,  
5 Mr. Dunn?

6 A The DA's Office.

7 Q Did the DA's Office get in touch with you, or  
8 did you get in touch with them?

9 A I can't understand you.

10 Q Did the District Attorney's Office get in  
11 touch with you, or did you get in touch  
12 with someone in the DA's Office?

13 A They gotten in touch with me.

14 Q When?

15 A Oh, about a year ago.

16 Q About a year ago?

17 A That is right.

18 Q Had you reported to anybody before the DA's  
19 Office got in touch with you?

20 A No, sir, I didn't.

21 Q In other words, you have no idea how the DA's  
22 Office found out about what you know?  
23 Is that right?

24 A No, sir, I don't have any idea.

25 Q They just came to you and you told your story?

1 Is that correct?

2 A When they come to me a year ago, I explained to  
3 them what I had seen.

4 Q About how long did you see that automobile  
5 parked there?

6 A I didn't understand you.

7 Q About how long did you see that Cadillac  
8 parked there?

9 A Oh, I didn't just pay attention to it at all  
10 times.

11 Q You first saw it about 10:30, is that right?

12 A That is right, 10:30 or 11:00, right.

13 Q When was the last time you saw it?

14 A When I left town.

15 Q What time was that?

16 A At 2:00 or 2:30.

17 Q So you know that it was parked there from about  
18 10:30 or 11:00 o'clock until about 2:00 or  
19 2:30? Is that right?

20 A That is right.

21 Q You say that this Defendant Clay Shaw was the  
22 man sitting behind that wheel? Is that  
23 correct?

24 A That is right, that is right.

25 Q Before your seeing him in Clinton at the time

1 of the voter registration drive, had you  
2 ever seen that man before?

3 A I can't ever remember, that I recall.

4 Q Well, did he look familiar to you or not?

5 A Like he look now.

6 Q Did he look familiar to you when you saw him  
7 in August or September of 19 --

8 THE COURT:

9 Mr. Dymond, if you will permit an  
10 interruption, I think you might use  
11 another term instead of "familiar."

12 BY MR. DYMOND:

13 Q Do you know what the word "familiar" means?

14 A No.

15 Q Did he look like you had ever seen him before?

16 A No, I had never seen him before.

17 Q You had never seen him before?

18 A I had never seen him.

19 Q The next thing that you saw that looked like  
20 him was when his picture was in the paper  
21 after he was arrested in 1967, is that  
22 right?

23 A That is right, it was his picture.

24 Q Almost four years later? Right?

25 A (The witness nodded affirmatively.)

1 Q When was the first time that you ever saw him  
2 in person here in New Orleans?

3 A At the day the trial started.

4 Q I guess you were brought into the courtroom by  
5 the District Attorney's Office to look at  
6 him? Is that right?

7 A Well, I come down here from the DA's Office to  
8 look at him and see if I recognized the  
9 same man as when I had seen in Clinton.

10 Q Right. And they brought you in and told you to  
11 look at him?

12 A I wanted to come in and look at him.

13 Q I know you wanted to, but they asked you?

14 MR. ALCOCK:

15 I think he answered the question,

16 Your Honor.

17 THE COURT:

18 I think he has, too.

19 BY MR. DYMOND:

20 Q Did they or did they not ask you to come in and  
21 look at him?

22 A I don't know.

23 Q You don't know. Who pointed him out to you  
24 when you came into the courtroom?

25 A Nobody pointed him out to me.

1 Q Was he standing by himself or with other  
2 people?

3 A Setting down.

4 Q He was sitting down?

5 A That is right.

6 Q Was he sitting down in the defendant's chair  
7 there (indicating)?

8 A That is right.

9 Q Now, you say that one of the big reasons for  
10 your identifying this defendant as the  
11 man that you saw in Clinton was his grey  
12 hair, and another one was his shoulders.  
13 Is that right?

14 A Big shoulders, big man.

15 Q Isn't it a fact that the man that you saw in  
16 Clinton had longer hair on the top of his  
17 head than this man does?

18 A (The witness shook his head negatively.)

19 Q He didn't?

20 A No.

21 Q Are you sure about that? Do you mean to tell  
22 me you looked to see how long the hair was  
23 on the top of that man's head?

24 A Look, when the man was in town I noticed the  
25 man. Whenever I knows a man I don't

1                   hardly forget his face.

2       Q       I see. And you say that he didn't have longer  
3                   hair on top of his head than this man?

4       A       He looked to me like he looks there.

5       Q       Just like he looks now, hair just the same  
6                   length on top? Is that correct? Is that  
7                   right?

8       A       He looked to me just like he is looking now  
9                   when I see him in town sitting behind the  
10                  wheel.

11      Q       Dunn, isn't it a fact that the man that you  
12                  saw in that automobile had a hat on?

13      A       Didn't have no hat on.

14      Q       And you're positive of that? Is that right?

15      A       Positive he didn't have no hat.

16      Q       If I told you that Corrie Collins said he had  
17                  a hat on and all he could see was his  
18                  sideburns --

19              MR. SCIAMBRA:

20                  That is objectionable, Your Honor, because  
21                          it is calling on this man to pass  
22                          upon the credibility of another  
23                          witness.

24              THE COURT:

25                  Objection sustained.

BY MR. DYMOND:

Q And you swear he didn't have a hat on?

A I say he didn't have a hat on, when I saw him sitting in the car he did not have a hat on.

Q Have you ever been convicted of a crime?

A No, no, I never have been.

Q You never have. The man that you have identified as Lee Harvey Oswald, had you ever seen him before the day that you say you saw him in Clinton?

A I never had.

Q Never had? When did you determine or find out or finally decide for yourself that the man that you had seen in Clinton was Lee Harvey Oswald?

A I seed him in Clinton, but we started seeing him after the assassination of President Kennedy.

Q When you saw his picture on television? Is that right?

A In the paper.

Q In the paper?

A That is right.

1 Q Did you read in the paper about the preliminary  
2 hearing before a three-judge court that  
3 was held in this case?

4 A No, sir, I didn't.

5 Q Didn't you read about Mr. Shaw going to court  
6 after he was arrested?

7 A I seen his picture after he was arrested; I  
8 recognized him being the man in Clinton.

9 Q And you say you remembered then that you had  
10 seen that man in Clinton with  
11 Lee Harvey Oswald? Is that right?

12 A I didn't say I seen him with anyone, I said  
13 he was sitting in the car.

14 Q I mean in Clinton at the same time that  
15 Lee Harvey Oswald was there. Is that  
16 right?

17 A That is right, that is right, but, now, I  
18 didn't see anyone with him. There may  
19 have been another in the car, but I am not  
20 sure, but I know he was in the car.

21 Q You remembered that and you didn't report it  
22 to anybody, did you?

23 A No, sir, I didn't.

24 Q Why didn't you?

25 A I thought he was FBI, that is why I didn't.



1 Q I am not talking about that, I am talking about 23

2 after Mr. Shaw was arrested, you saw his  
3 picture in the paper and recognized from  
4 that picture that he was the same man  
5 that you saw in Clinton at the same time  
6 that Lee Harvey Oswald was there. Why  
7 didn't you report that to anybody?

8 A Well, I thought it was FBI.

9 Q You thought who was FBI?

10 A I thought Clay Shaw was FBI when he was sitting  
11 in Clinton in the black Cadillac.

12 Q Look, I don't want to confuse you, Mr. Dunn,  
13 I am not talking about what you thought  
14 in Clinton back in August or September of  
15 1963, I am talking about what you saw in  
16 the newspaper back in 1967 when Mr. Shaw  
17 was arrested and you say that from his  
18 newspaper picture you recognized him as  
19 the man that you saw in Clinton at the  
20 same time that Lee Harvey Oswald was there.  
21 Have I made myself clear on that?

22 A I understand it.

23 Q Now, when you recognized him as the man that  
24 you had seen in Clinton when Lee Harvey  
25 Oswald was there, you saw his picture in

1 the paper as having been arrested and  
2 charged with conspiring to kill  
3 President Kennedy, why didn't you report  
4 to somebody that you had seen him there  
5 when Lee Harvey Oswald was there?

6 A Well, I didn't think I had to report it, had  
7 FBI and things checking on different  
8 things like that.

9 Q And you didn't feel that you had any duty --

10 A When I seen his picture, he was arrested.

11 Q I see.

12 A Now, what cause I have to do with it?

13 Q You didn't think that you should report it?

14 Is that right?

15 A He was arrested when I seen the picture, when  
16 I seen his picture there he was arrested  
17 already. I have cause to go and try to  
18 get him arrested again? (LAUGHTER)

19 THE BAILIFF:

20 Order in the court!

21 BY MR. DYMOND:

22 Q How was the man you have identified as  
23 Lee Harvey Oswald dressed?

24 A I can't understand you.

25 Q You have identified this picture shown to you

1 by Mr. Sciambra as the man you saw stand-  
2 ing in the registration line. Is that  
3 right?

4 A That is right.

5 Q How was that man dressed when you saw him?

6 A I didn't pay attention to his clothes and the  
7 side --

8 Q You didn't pay any attention to his clothes?  
9 Is that right?

10 A Not particular.

11 Q Did he have a shirt on or not?

12 A I didn't pay attention to it.

13 Q Is it your testimony you can't even tell me  
14 whether he had a shirt on?

15 A I wouldn't say, but you know yourself the man  
16 wasn't standing in town naked.

17 MR. ALCOCK:

18 Your Honor, I object.

19 THE WITNESS:

20 (Continuing) I say I didn't pay attention  
21 to his clothes, I paid attention to  
22 his face and his size.

23 BY MR. DYMOND:

24 Q And you can't tell me what color shirt he had  
25 on?

1 A I couldn't tell you.

2 Q You can't tell me what color pants he had on?

3 A No, I couldn't tell you that.

4 Q Now, the man sitting in the automobile, what  
5 kind of clothing did he have on?

6 A He had on -- looked to me like a dark suit.

7 Q A dark suit?

8 A Yes, sir, far as I could see. I couldn't see  
9 but only his coat. Let me get clear on  
10 that.

11 Q Now would you tell us why you would notice the  
12 clothing on one man and wouldn't notice  
13 the clothing on the other?

14 A I thought it was the FBI, and that is the  
15 reason.

16 Q What has being an FBI agent got to do with your  
17 remembering his clothing?

18 A Well, I didn't remember the clothing on  
19 Lee Harvey Oswald, I remember his face and  
20 his size. That is right.

21 Q Did Lee Oswald have a beard or not?

22 A I didn't remember him having any beard.

23 Q Would you say that he did?

24 A He didn't look to me like he had no beard.

25 Q What is that?

1 A He didn't look to me like he had no beard on.

2 Q You know what a beard is when you see it,

3 don't you?

4 A (The witness nodded affirmatively.)

5 Q Can't you tell me definitely whether you saw

6 a beard on the man that you saw standing

7 in the registration line?

8 A No, I didn't see any beard.

9 THE COURT:

10 Answer it. Say whether you saw a beard

11 or not a beard, don't say "I didn't

12 see any beard." Did you see a

13 beard or didn't you?

14 THE WITNESS:

15 I didn't see a beard.

16 BY MR. DYMOND:

17 Q I understand you were standing right in front

18 of the Registration Building? Is that

19 right?

20 A Right.

21 Q This line you were talking about, was that

22 inside or outside the building?

23 A I don't understand.

24 Q The line of people standing in the Registrar's

25 Office, was that inside or outside the

1 building?

2 A Inside and outside.

3 Q Inside and outside?

4 A Correct.

5 Q Were there many people in town at that time?

6 A What you mean, was many people in line or in  
7 town?

8 Q Were there many people in the Town of Clinton  
9 at that time?

10 A I didn't particularly pay attention to many  
11 people being in town.

12 Q Well, were there many strangers there?

13 A I seen two, maybe three.

14 Q What is that?

15 A I seen two, maybe three.

16 Q Is that all the strangers that you saw that  
17 day?

18 A That is right.

19 Q You knew everybody else, is that right, at  
20 least by sight?

21 A I don't understand you.

22 Q You knew everybody except those three men by  
23 sight? Is that right?

24 A Not particularly, but I had seen them before.

25 Q All right. You knew them by sight. Now, the

1            automobile, this black Cadillac that you  
2            have referred to, was that parked on the  
3            same side of the street or the opposite  
4            side of the street from the Registrar's  
5            Office?

6        A     Same side of the street.

7        Q     It was parked on the same side of the street  
8            that --

9        A     -- the Registrar's Office was on.

10       Q     All right. And you say you were about 20 to 30  
11            feet from it? Is that correct?

12       A     That is right.

13       Q     Now, as you walked out of the Registrar's  
14            Office, was this car on the right-hand  
15            side or to the left-hand side of the  
16            Registration Office, or was it directly  
17            in front of the office?

18       A     It was right in front of the office or  
19            drugstore we have right there just 20 or  
20            30 feet, right close together, next door,  
21            right in front of it.

22       Q     Would that be a little bit to the right or a  
23            little bit to the left as you are walking  
24            out of the front door?

25       A     Now, the Registrar's Office -- you want me to --

1 Q I didn't hear you.

2 A The Registrar's Office you want me to describe  
3 and give you the facts? As you are coming  
4 in Clinton on 67 --

5 Q You don't have to go into the highway.

6 A I have to tell you if you want me to tell you  
7 what side.

8 Q Let me ask you this: You say there is a  
9 drugstore next door to the Registrar's  
10 Office?

11 A That is right.

12 Q Now, is that -- when you are facing the street  
13 from the Registrar's Office, is that  
14 drugstore on the right-hand side or the  
15 left-hand side of the Registrar's Office?

16 A On the right-hand side of the Registrar's  
17 Office.

18 Q On the right-hand side of the Registrar's  
19 Office?

20 A The drugstore?

21 Q Yes. Is it to the right or the left?

22 A On the right as you are coming out from the  
23 Registration Office.

24 Q That is what I want to know.

25 A That is right.



1 Q Now, was this car parked in the direction of  
2 the drugstore on that street, or was it  
3 parked in the opposite direction on that  
4 street?

5 A It was parked right in front of the Registration  
6 Office and the drugstore.

7 Q Right in front of the Registration Office and  
8 the drugstore?

9 A That is right.

10 Q Then it must have been a little to the right of  
11 the Registration Office going out? Is  
12 that right?

13 THE COURT:

14 Mr. Dymond, is there a purpose behind this  
15 question?

16 MR. DYMOND:

17 Yes, of course there is.

18 THE COURT:

19 All right. I know you are belaboring it.

20 You may proceed.

21 BY MR. DYMOND:

22 Q Is that correct? It would be a little bit to  
23 the right of the Registration Office going  
24 out?

25 A Yes, a little to the right coming out from the

Registration Office.

32

Q Now, which way was that car facing? Was it facing towards the left or to the right as you came out of the Registration Office?

A It was facing the Clinton Bank. If you had a picture of it you would know.

Q Is that to the right or left of the Registration Office when you are coming out of the Registration Office?

A It was facing the Clinton Bank on the left-hand side, on the wrong side of the street.

Q I am sorry. We don't know where the Clinton Bank is, but I ask you to picture yourself coming out of the Registrar's Office. The car is parked on the street in front of the Registrar's Office?

A That is right.

Q I am asking you whether that car was parked in a direction heading toward your left or to your right?

A Oh, it was heading towards the left.

Q Heading towards your left, and you said you had a good view of the man sitting in that

1 automobile?

2 A That is correct.

3 Q You could see his full grey hair? Is that  
4 right?

5 A That is right.

6 Q And there was another man sitting in that  
7 automobile?

8 A Maybe, I am not sure.

9 Q Maybe?

10 A I am not sure.

11 Q Well, you were looking at the automobile for  
12 ten minutes, weren't you?

13 A I paid attention direct to the driver.

14 Q Didn't you testify that you were looking at  
15 that car with this man in it for about  
16 ten minutes?

17 A I say five or ten minutes.

18 Q And is it your testimony you say maybe somebody  
19 else was sitting in the car?

20 A May be is right.

21 Q And the driver didn't have a hat on?

22 A No, he did not.

23 MR. DYMOND:

24 That is all.

25 THE COURT:

1 Do you have anything further, any further  
2 need of Mr. Dunn?

3 MR. DYMOND:

4 No.

5 MR. SCIAMBRA:

6 We have no further need of him.

7 (WITNESS EXCUSED.)

8 ...oOo...

9 MRS. BOBBIE DEDON,

10 a witness called by and on behalf of the State,  
11 having been first duly sworn, was examined and  
12 testified as follows:

13 DIRECT EXAMINATION

14 BY MR. SCIAMBRA:

15 Q Please state your name for the record.

16 A Mrs. Bobbie Dedon.

17 Q Mrs. Dedon, where do you live?

18 A Baton Rouge.

19 Q And how long have you lived in Baton Rouge?

20 A About a year now.

21 Q And what is your occupation?

22 A Doctor's assistant.

23 Q And how long have you been a doctor's  
24 assistant?

25 A A year and about four months.

1 Q Where were you employed in the summer of 1963?

2 A East Louisiana State Hospital.

3 Q And where is that?

4 A Jackson.

5 Q And in what capacity were you employed at the  
6 East Louisiana State Hospital?

7 A At the clinic as a receptionist.

8 Q In relationship to your duties as a  
9 receptionist, in regards to where the  
10 personnel office was, did you ever have  
11 occasion to talk to anyone?

12 A Yes.

13 Q In that relationship I call your attention to  
14 late August or early September, 1963, and  
15 I ask you if anyone asked you for  
16 instructions --

17 A Yes.

18 Q -- how to get to the personnel office.

19 A Yes.

20 Q (Exhibiting photograph to witness) I show you  
21 a picture that the State has marked "S-1"  
22 for purposes of identification, and I ask  
23 you if you have ever seen the person in  
24 this picture.

25 A Yes.

1 Q Where did you see this person?

2 A At my desk at the clinic.

3 Q Can you approximately remember about what time  
4 it was?

5 A September, early part of September.

6 Q Do you know who this person is?

7 A It is Lee Harvey Oswald.

8 Q Can you remember what you talked to Lee Harvey  
9 Oswald about?

10 A He wanted to know where he could go to put in  
11 an application.

12 MR. DYMOND:

13 Your Honor, we object to any conversation.

14 THE COURT:

15 Objection sustained.

16 BY MR. SCIAMBRA:

17 Q Just tell us what you told Oswald.

18 A I just told him directions to go to the center  
19 building which is the administration  
20 building.

21 Q What was in the administration building at the  
22 time?

23 A The main offices.

24 Q Where would a person go to apply for a job?

25 A At the administration building.

1 Q Can you remember about what time of day this  
2 was?

3 A It was around lunch, because I was getting  
4 ready to go to lunch.

5 Q About how long did you talk to Oswald in  
6 relationship to where the personnel  
7 office was?

8 A Just a few minutes.

9 Q What did he do after you talked to him?

10 A Just left.

11 Q Was that the last time you saw him that day?

12 A Yes, it was.

13 Q Did you see a picture of Lee Harvey Oswald in  
14 the newspaper after the assassination of  
15 President Kennedy?

16 A Yes.

17 Q Did you recognize him?

18 A No; I knew he looked familiar.

19 Q You didn't recognize him from any particular  
20 place though?

21 A No.

22 Q Can you remember the first law enforcement  
23 officer that you talked to in relation  
24 to this?

25 A Yes, Lieutenant Fruge.

1 Q Who was that?

2 A Lieutenant Fruge.

3 Q Louisiana State Police?

4 A Yes.

5 Q Did he show you any photographs?

6 A Yes, he showed me a lot of photographs.

7 Q Did you identify any photographs?

8 A I identified Lee Harvey Oswald.

9 Q You identified Lee Harvey Oswald's photograph?

10 A Yes.

11 Q Did you recognize the photograph at that time?

12 A Yes.

13 Q And where did you recognize it from?

14 A From me talking to him.

15 Q Were you ever questioned by the FBI in regards  
16 to this?

17 A No.

18 MR. SCIAMBRA:

19 I tender the witness.

20 CROSS-EXAMINATION

21 BY MR. DYMOND:

22 Q Mrs. Dedon, you said you have talked with

23 Lee Harvey Oswald for only a few minutes

24 at your desk?

25 A Yes.



1 Q How many minutes would you say that was?

2 A Long enough to give him directions to go  
3 around the building and to the front.

4 Q Would you say three or four minutes?

5 A Four or five minutes.

6 Q I see. Do you recall how he was dressed that  
7 day?

8 A No, I don't.

9 Q Do you recall his general appearance, that is,  
10 whether he was neat looking or sloppy  
11 looking or generally how he looked?

12 A No.

13 Q Did he impress you as a neat individual or as  
14 a disheveled individual?

15 A I didn't really -- I didn't pay that much  
16 attention to him.

17 Q Did he have a beard on?

18 A I don't remember.

19 Q You don't remember whether he had a beard?

20 A Right.

21 Q You don't?

22 A No.

23 MR. DYMOND:

24 That is all.

25 THE COURT:

1 Do you have any further need of

2 Mrs. Dedon?

3 MR. SCIAMBRA:

4 No further questions, Your Honor.

5 THE COURT:

6 If not, you are excused from the subpoena.

7 Call your next witness.

8 (WITNESS EXCUSED.)

9 ....oo...

10 MRS. MAXINE KEMP, - NOW Mrs DRAKE

in ZACHARY

11 a witness called by and on behalf of the State,

12 having been first duly sworn, was examined and

13 testified as follows:

14 DIRECT EXAMINATION

15 BY MR. SCIAMBRA:

16 Q Please state your name for the record.

17 A Mrs. Maxine Kemp.

18 Q Mrs. Kemp, where do you live?

19 A Clinton.

20 Q Clinton, Louisiana?

21 A That is right.

22 Q And how long have you lived in Clinton?

23 A All my life.

24 Q And what is your occupation?

25 A I am classified as a typist-clerk, I am

1                   classified under Civil Service as a  
2                   Typist-Clerk 3, and I act as secretary to  
3                   the Personnel Office at East Louisiana  
4                   State Hospital.

5       Q       In other words, you work in the office,  
6                   personnel office, of East Louisiana State  
7                   Hospital?

8       A       That is right.

9       Q       When did you go to work at the East Louisiana  
10                  State Hospital?

11      A       September of 1964.

12      Q       In connection with your duties at the hospital  
13                  in September of 1964, I ask you if any-  
14                  thing unusual happened to you?

15      A       I came across an application for employment.

16      Q       In the personnel files?

17      A       That is right.

18      Q       What was the name on this application?

19      A       Harvey Oswald.

20      Q       Now, how was the application written, was it  
21                  first name last or last name first?

22      A       Last name first.

23      Q       And then first name after the last name?

24      A       That is right, then the middle name.

25                  MR. DYMOND:

1 Your Honor, we object to this, first on  
2 the ground that this application  
3 itself would, if admissible, be the  
4 best evidence, but this young lady,  
5 as I understand, didn't go to work  
6 there until September of '64 and  
7 apparently she found an application  
8 like this at the hospital when she  
9 went there, and she can't sit here  
10 now and testify as to the contents  
11 of this written application.

12 THE COURT:

13 Let me find out. Mr. Sciambra, do you  
14 have the exhibit itself?

15 MR. SCIAMBRA:

16 No, Your Honor, but I will clarify this  
17 with a few more questions, as to the  
18 existence of the application.

19 THE COURT:

20 If the evidence is available, the best  
21 evidence is the document itself.

22 MR. SCIAMBRA:

23 In a few more questions, Your Honor, that  
24 will be brought out.

25 THE COURT:

1 All right.

2 BY MR. SCIAMBRA:

3 Q So, in other words, the application read  
4 "Oswald" --

5 THE COURT:

6 No, no, wait. The objection is well  
7 taken. You cannot pursue it. The  
8 best evidence is the document itself.

9 BY MR. SCIAMBRA:

10 Q What did you do with the application after you  
11 looked at it?

12 A Put it back in the file.

13 Q When was the next time you went to look for  
14 the application?

15 A After the investigation started.

16 Q After the Garrison investigation started?

17 A Yes, sir.

18 Q Was it there?

19 A No, sir.

20 Q Do you know what happened to the application?

21 A No, sir, I do not.

22 Q Do you know who took the application?

23 A No, sir.

24 Q Have you made efforts to find the application?

25 A Yes, sir.

1 Q Have you been able to find the application?

2 A No, sir.

3 Q Now could you tell me exactly how the name  
4 appears on the application?

5 MR. DYMOND:

6 Now, if Your Honor please, --

7 THE COURT:

8 I will overrule your objection now.

9 MR. DYMOND:

10 May I make the objection? I didn't state  
11 the reason yet. We object to this  
12 now, Your Honor, on the ground that  
13 this application, if it existed, that  
14 the testimony concerning this  
15 application is hearsay. The best  
16 party to testify as to anything  
17 concerning this application would be  
18 the person who made it out or saw it  
19 made out.

20 THE COURT:

21 Not necessarily.

22 MR. DYMOND:

23 Well, that is our position, Your Honor,  
24 and our objection is based --

25 THE COURT:

1 Let me ask you a question: Are you  
2 officially employed in connection  
3 with these records, as typist-clerk  
4 and secretary to the Personnel  
5 Director?

6 THE WITNESS:

7 Yes, sir.

8 THE COURT:

9 These records would have been under your  
10 direction?

11 THE WITNESS:

12 Yes, at all times.

13 THE COURT:

14 And who would prepare this information?

15 THE WITNESS:

16 The application?

17 THE COURT:

18 Yes.

19 THE WITNESS:

20 The person seeking employment.

21 THE COURT:

22 Who was giving them the application to  
23 prepare, and whom would he give the  
24 application to?

25 THE WITNESS:

1 He would give it to me or the lady --

2 THE COURT:

3 Would he have given it to you?

4 THE WITNESS:

5 No, sir.

6 THE COURT:

7 Who else would he have given it to besides  
8 you?

9 THE WITNESS:

10 Well, there are three others that work in  
11 the office; he could give it to  
12 either one of them.

13 THE COURT:

14 In the ordinary course of business it  
15 would be filed in the filing cabinet  
16 together with other records?

17 THE WITNESS:

18 Yes.

19 THE COURT:

20 Do you particularly remember seeing this  
21 card in the file?

22 THE WITNESS:

23 Yes, sir.

24 THE COURT:

25 I will permit her to testify to it. I



1                   overrule your objection. It is the  
2                   best evidence available.

3           MR. DYMOND:

4           To which ruling we object and reserve a  
5           bill of exception, making the State's  
6           question, our objection, the reasons  
7           for the objection, the testimony of  
8           this witness, and the entire record,  
9           together with our contention that the  
10          Court led the witness in connection  
11          with questioning on this document,  
12          parts of the bill.

13          THE COURT:

14          Let me make one thing certain. Each time  
15          you take a bill you say "the entire  
16          record." "The entire record" means  
17          up to the time you make your  
18          exception, not the entire record?

19          MR. DYMOND:

20          Right.

21          THE COURT:

22          I want that understood.

23          BY MR. SCIAMBRA:

24          Q       Would you state to the Court exactly how the  
25                  name appeared on the application.

1 A "Oswald, Harvey."

2 Q Did you see a middle name?

3 A No, sir, I did not.

4 MR. SCIAMBRA:

5 Tender the witness, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. DYMOND:

8 Q Mrs. Kemp, is it the practice of East Louisiana  
9 State Hospital to keep applications for  
10 employment on file there, or do they just  
11 keep work records on file?

12 A We keep all applications for one year.

13 Q For one year?

14 A Yes, sir.

15 Q All right.

16 A We pull them, well, maybe every three months we  
17 go through them.

18 Q Every three months when you go through them,  
19 what do you do with them?

20 A Well, we destroy the ones --

21 Q -- that are one year old? Is that correct?

22 A If they have not been accepted for employment.

23 If they are accepted for employment, of  
24 course, it goes in your personnel file.

25 MR. DYMOND:

1 That is all, ma'am.

2 RE-DIRECT EXAMINATION

3 BY MR. SCIAMBRA:

4 Q Do any applications happen to stay in the  
5 employment files more than a year?

6 A Yes, sir, they have.

7 MR. SCIAMBRA:

8 No further questions.

9 THE COURT:

10 Do you have any further need of the lady?

11 MR. DYMOND:

12 No.

13 (WITNESS EXCUSED.)  
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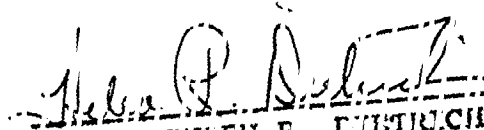
C E R T I F I C A T E

I, the undersigned, Helen R. Dietrich, do  
hereby certify:

that the above and foregoing (49) pages of  
typewritten matter) is a true and correct transcription  
of the stenographic notes of the proceedings had herein,  
the same having been taken down by me and transcribed  
under my supervision, on the day and date hereinafore  
noted, in the Criminal District Court for the Parish of  
Orleans, State of Louisiana, in the matter of State of  
Louisiana vs. Clay L. Shaw, 199-059 1426 (30) Section  
"C" on the 7th day of February, 1969, before the  
Honorable Edward A. Haggerty, Jr., Judge, Section "C", the  
same being an excerpt of the proceedings as to certain  
witnesses contained in the index hereof.

New Orleans, Louisiana, this 26th day of May,

1969.

  
HELEN R. DIETRICH  
REPORTER

Date: 08/13  
Page: 1

JFK ASSASSINATION SYSTEM

IDENTIFICATION FORM

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AGENCY INFORMATION

AGENCY : HSCA  
RECORD NUMBER : 180-10097-10190

RECORDS SERIES :  
NUMBERED FILES

AGENCY FILE NUMBER : 002010  
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SHAW, CLAY L., TRIAL  
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FERRIE, DAVID  
OSWALD, LEE, POST RUSSIAN PERIOD, POLITICAL & SUBVERSIVE  
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DATE 11/23/93

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.....  
STATE OF LOUISIANA . 198-059  
vs. . 1426(30)  
CLAY L. SHAW . SECTION "C"  
.....

PROCEEDINGS IN OPEN COURT,  
Monday, February 10, 1969

B E F O R E : THE HONORABLE EDWARD A. HAGGERTY, JR.,  
JUDGE, SECTION "C"

Reference copy, JFK Collection: HSCA (RG 233)

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I N D E X

<u>WITNESS</u>	<u>Direct</u>	<u>Cross</u>
PERRY RAYMOND RUSSO	9	132

E X H I B I T S

<u>EXHIBIT NO.</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>RECEIVED</u>
S-1	3	3	4
S-2		4	5
S-3		5	5
S-4		5	6
S-5		6	6
S-6		7	7
S-7		7	7
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S-9		8	8
S-10		9	9
S-11	13		
S-12T	18		
S-13T	19		
S-14T	20		
S-15T	21		
S-16T	21		
S-17T	23		
S-18	27		
S-19	27		
S-20	83		

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E X H I B I T S

<u>EXHIBIT NO.</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>RECEIVED</u>
D-7	173	175	175
D-8	203	203	209
D-9	223	223	223



1 . . . . . Pursuant to the adjournment of  
2 Saturday, February 8, 1969, the proceedings  
3 in open Court were resumed at 9:00 o'clock  
4 a.m. on Monday, February 10, 1969, appearances  
5 being the same as heretofore noted in the  
6 record . . . . .

7 THE COURT:

8 Let it be noted in the record that the  
9 Jury is here, the defendant is here,  
10 all counsel are present, and the  
11 State and the Defense are ready to  
12 proceed.

13 Is the State ready to call its next wit-  
14 ness?

15 MR. ALCOCK:

16 The State is ready.

17 THE COURT:

18 If so, call your next witness.

19 MR. DYMOND:

20 Your Honor, before we start out I would  
21 like to ask whether all the exhibits  
22 from the preliminary hearing are  
23 available here. I know there are some  
24 of those that both sides will probably  
25 need.

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NARA DATE 11/23/93

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1 THE COURT:

2 I am sure the Clerk's Office would have  
3 knowledge of that.

4 MR. ALCOCK:

5 The Clerk's Office, I presume. I think  
6 they have got the folders right back  
7 in your Clerk's Office containing  
8 them, Your Honor.

9 MR. DYMOND:

10 I would assume Your Honor wouldn't require  
11 a formal subpoena duces tecum for  
12 them to be brought in?

13 THE COURT:

14 No.

15 Call your next witness.

16 MR. ALCOCK:

17 Your Honor, prior to calling the first  
18 witness, and in conjunction with the  
19 testimony of witnesses who have testi-  
20 fied to date, the State would like to  
21 make certain offerings of evidence.  
22 The first offer the State makes is --  
23 I will show these to Defense Counsel  
24 (exhibiting documents to Counsel) --  
25 S-1, which purports to be a picture

of Lee Harvey Oswald.

THE COURT:

Is there any objection?

MR. DYMOND:

No objection.

THE COURT:

Let it be received.

MR. ALCOCK:

Next is S-2, which purports to be a picture of a black Cadillac automobile.

THE COURT:

Is there any objection?

MR. DYMOND:

To which we object on the ground it has not been sufficiently connected with this Defendant to permit its introduction in evidence.

THE COURT:

I believe it is offered as being similar?

MR. ALCOCK:

Similar to the Cadillac that the Defendant was allegedly in in Clinton, Louisiana.

MR. DYMOND:

I object to it on that basis.

THE COURT:

Let it be received as similar.

MR. DYMOND:

To which ruling we take a bill of exception, making Exhibit S-2, Counsel's objection, the ruling of the Court, the reason for the objection, and the entire record up to this time parts of the bill.

MR. ALCOCK:

Exhibit S-3 purports to be a picture of David Ferrie.

MR. DYMOND:

No objection.

THE COURT:

Let it be received.

MR. ALCOCK:

Exhibit S-4 purports to be an application for the Fair Play For Cuba Committee identified by Officer Martello of the New Orleans Police Department.

MR. DYMOND:

To which we object on the ground that it has no connection with this Defendant, more particularly in view of the fact that no prima facie case of conspiracy

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has been made, and this is connected  
only with Lee Harvey Oswald.

THE COURT:

Let it be received.

MR. DYMOND:

To which ruling Counsel reserves a bill,  
making the State's Exhibit S-4,  
Counsel's objection, the reasons  
therefor, the Court's ruling and the  
entire record up until now part of  
the bill.

MR. ALCOCK:

The State offers, files and introduces  
into evidence Exhibit S-5, which pur-  
ports to be a yellow leaflet entitled  
"Hands Off Cuba."

MR. DYMOND:

The same objection, for the same reasons,  
and Counsel reserves a bill of ex-  
ception making Exhibit S-5, Counsel's  
objection, the ruling of the Court,  
the reason for objection, and the en-  
tire record up to this time part of the  
bill.

MR. ALCOCK:

Exhibit S-6, which purports to be a  
picture of Lee Harvey Oswald dis-  
tributing Fair Play for Cuba Com-  
mittee leaflets in front of the  
International Trade Mart.

MR. DYMOND:

No objection.

THE COURT:

Let it be received.

MR. ALCOCK:

S-7, which purports to be a scene of  
the same distribution.

MR. DYMOND:

No objection.

THE COURT:

Let it be received.

MR. ALCOCK:

S-8, copy of a Hands Off Cubs leaflet  
taken from Lee Harvey Oswald on the  
Dumaine Street Wharf by Officer  
Girod Ray.

MR. DYMOND:

Object on the ground that no prima facie  
case of conspiracy has been made, and  
Exhibit S-8 has no connection whatso-

ever with this defendant.

THE COURT:

Overrule the objection. Let it be received.

MR. DYMOND:

To which ruling Counsel for the Defendant reserves a bill of exception, making the State's offer of S-8, Counsel's objection, the ruling of the Court, reasons for objection, and the entire record up to this time part of the bill.

MR. ALCOCK:

S-9, which purports to be a piece of literature entitled "The Truth About Cuba is in Cuba," also received by Officer Ray from Oswald on the Dumaine Street Wharf.

THE COURT:

Is there any objection?

MR. DYMOND:

The same objection, for the same reasons.

THE COURT:

Objection overruled.

MR. DYMOND:

To which ruling Counsel reserves a bill of

exception, making the State's offer  
of Exhibit S-9, Counsel's objection,  
the ruling of the Court, reasons for  
objection, and the entire record up  
to this time part of the bill.

MR. ALCOCK:

And S-10, another picture of David Ferrie.

MR. DYMOND:

No objection.

THE COURT:

Let it be received.

Are you ready?

MR. ALCOCK:

Call Perry Raymond Russo, please.

THE COURT:

Call Mr. Russo.

PERRY RAYMOND RUSSO,

a witness called by and on behalf of the State,  
having been first duly sworn, was examined and  
testified as follows:

DIRECT EXAMINATION

BY MR. ALCOCK:

Q State your full name for the record, please.

A Perry Raymond Russo.

Q Mr. Russo, where do you reside?



1 A 5807 Elysian Fields.  
2 Q How old are you, Mr. Russo?  
3 A Twenty-seven.  
4 Q Were you born in New Orleans?  
5 A Yes, sir.  
6 Q What is your educational background, Mr. Russo?  
7 A I have a degree in Political Science, with two  
8 years at Tulane, three years undergraduate  
9 work at Loyola University, one year at the  
10 Law School at Loyola University, and  
11 approximately two-thirds or half a year up  
12 at LSU Industrial School.  
13 Q Mr. Russo, referring you to the early 1960's,  
14 did you have occasion at any time during  
15 that period to meet a man by the name of  
16 David Ferrie?  
17 A I met him with a friend of mine at his Kenner  
18 address.  
19 Q (Exhibiting photograph to witness) Mr. Russo,  
20 I am going to show you two pictures which  
21 have been previously identified as State-3  
22 and State-10, and ask you to examine these  
23 pictures and see whether or not you recog-  
24 nize the person depicted in the pictures.  
25 A Yes, sir.

1 Q Who is that person?

2 A Dave Ferrie.

3 Q Mr. Russo, can you approximate for the Court  
4 and the Jury when you first met David  
5 Ferrie?

6 A I guess about 1961.

7 Q And where was it specifically that you met him?

8 A I don't know the address but it was out toward  
9 the Moisant International Airport.

10 Q Can you recall who was present when you first  
11 met him?

12 A He was there, and a lady introduced as his  
13 mother, who was elderly, Al Landry was  
14 there, and about -- several or quite a  
15 few members of the Civil Air patrol I  
16 guess.

17 MR. ALCOCK:

18 Your Honor, may I approach the bench just  
19 a moment?

20 THE COURT:

21 You may.

22 (Bench conference off the record.)

23 THE COURT:

24 You may proceed.

25 BY MR. ALCOCK:

1 Q Mr. Russo, after this first encounter that you  
2 recall having occurred sometime in 1961,  
3 did you have occasion to see David Ferrie  
4 any after that?

5 A I saw him at -- in '63 extensively, and some in  
6 '62, and a few times in '64.

7 Q Approximately, Perry, how many times in '62  
8 did you see David Ferrie, if you can  
9 approximate? I know it is difficult.

10 A Only a few, I am not sure, perhaps 10, 12, 15  
11 times.

12 Q And on these occasions where would you  
13 principally see him?

14 A Well, he had -- just came over to the house  
15 where I lived on Elysian Fields. I lived  
16 at 4607 Elysian Fields at that time, and  
17 he would come over at that time.

18 Q Did you know where he lived in '62 and '63?

19 A In '63 I knew where he lived, on Louisiana  
20 Avenue parkway.

21 Q Did you or do you know the address now?

22 A I know the address now, 3330.

23 Q (Exhibiting photograph to witness) Mr. Russo,  
24 I am going to show you what I have marked  
25 for purposes of identification as "S-11,"

1           which picture purports to show the face  
2           of a home, and I ask you if you recognize  
3           this picture.

4   A     Yes, that is Dave Ferrie's house.

5           (Whereupon, the photograph referred  
6           to by Counsel was duly marked for  
7           identification as "Exhibit S-11.")

8   BY MR. ALCOCK:

9   Q     Did he live downstairs or upstairs?

10   A    He lived on the second floor.

11   Q     Are you able to see his porch in this picture?

12   A     Yes, sir, it is at the top left part of the  
13           photograph.

14   Q     Now, Perry, coming to the year 1963 -- and let's  
15           for purposes of limitation take the first  
16           six months of 1963 -- that would be say from  
17           January to June -- approximately how often  
18           would you see David Ferrie?

19   A     I couldn't exactly say, approximately 10, 12,  
20           15 times.

21   Q     This is 1963?

22   A     1963.

23   Q     Now going to the summer of 1963, without giving  
24           an approximation in numbers, was it once a  
25           day, twice a week, once a month, or how many

times?

A Oh, I'm sure it would be twice a week or better.

Q During the summer of '63?

A During the summer of '63, right.

Q During the course of your encounters with David Ferrie, would his appearance always be the same?

A It varied, it varied at times.

Q Can you explain what you mean by that?

A Well, it was a subject that he didn't bring up, but he had strange hair or a wig, and sometimes the wig would be spotted, other times it would be combed straighter and you wouldn't notice the missing part to the wig, and then sometimes you could notice eyebrows, sometimes they were bushy and sometimes they weren't noticeable at all. Most of the time though he did wear a white shirt, as I remember, and baggy trousers, although they weren't always dirty.

Q Now, Mr. Russo, you have identified State's Exhibits 10 and 3. With reference to the eyebrows in these exhibits, would this

1 always be the condition of his eyebrows,  
2 or would there be occasions when his eye-  
3 brows were not that heavy or pronounced?

4 MR. DYMOND:

5 If the Court please, I am going to object  
6 at this time to the State leading  
7 this witness. This is an obviously  
8 leading question.

9 THE COURT:

10 Rephrase your question.

11 MR. ALCOCK:

12 All right.

13 BY MR. ALCOCK:

14 Q Would this always be the condition of his eye-  
15 brows?

16 A No, not always, no.

17 Q What other condition might they be in?

18 A Well, these are very pronounced; at times they  
19 weren't so pronounced as these, (they) were  
20 lighter and you would notice the hair, and  
21 the hairdo itself also is spotty, or at  
22 least slightly spotty here.

23 Q Now, if you can recall, Perry, what was the color  
24 of Ferrie's hair, if you will?

25 A Reddish-brownish.

1 Q All right.

2 MR. ALCOCK:

3 Your Honor, perhaps if I could have brought  
4 into Court the exhibits in the pre-  
5 liminary hearing, I might be able to  
6 use some of them at this time, specifi-  
7 cally those that deal with pictures  
8 of the interior of David Ferrie's  
9 apartment.

10 THE COURT:

11 Will one of the deputies go to the Clerk's  
12 Office and ask to let me have all of  
13 the exhibits from Judge Bagert in the  
14 preliminary hearing.

15 I think these exhibits would properly be  
16 in the Property Clerk's Office.

17 MR. ALCOCK:

18 No, they are in this little office right  
19 off --

20 THE COURT:

21 All right. Proceed.

22 MR. ALCOCK:

23 Prior to their arrival I might ask Mr..  
24 Russo some more questions, Your Honor.

25 THE COURT:

1 Proceed.

2 BY MR. ALCOCK:

3 Q Perry, can you approximate for the Court and  
4 the Jury how many times you might have  
5 been in the Louisiana Avenue apartment of  
6 David Ferrie?

7 A In his apartment?

8 Q In his apartment.

9 A I guess about 20 to 30 times.

10 Q Do you feel, Perry, that if you were shown  
11 pictures of the interior of that apart-  
12 ment taken as late as 1967, you still  
13 might recognize some of the permanent  
14 features of that apartment?

15 A Yes, sir.

16 MR. ALCOCK:

17 Your Honor, on these pictures that I am  
18 now marking for identification there  
19 is a prior marking, they were used on  
20 another occasion. perhaps if I mark  
21 them S -- whatever the next number is  
22 -- and encircle that number, we could  
23 more --

24 THE COURT:

25 You might put the date and that would



1 identify it, that as of today we know  
2 it is the exhibit for this case.

3 MR. ALCOCK:

4 All right.

5 MR. DYMOND:

6 Either that or you could mark them State-  
7 Such and Such -- "Trial."

8 MR. ALCOCK:

9 How about "S-12T" for Trial?

10 THE COURT:

11 "Trial." O.K.

12 (Whereupon, the document referred  
13 to by Counsel was duly marked for  
14 identification as "Exhibit S-12T.")

15 BY MR. ALCOCK:

16 Q Perry, I am going to show you a picture which I  
17 have marked for purposes of identification  
18 as "State Exhibit 12-Trial," and I ask you  
19 if you recognize anything in that picture,  
20 any structure in the picture (exhibiting  
21 photograph to witness).

22 A May I see another picture first?

23 Q (Exhibiting photograph to witness) I show you  
24 what I have marked "S-13-Trial."

25 A Yes, I recognize that picture.

1 (Whereupon, the document referred  
2 to by Counsel was duly marked for  
3 identification as "Exhibit S-13T.")  
4 BY MR. ALCOCK:  
5 Q How do you recognize that picture? What does  
6 that picture recall to mind? What do you  
7 see in that picture?  
8 A This is the front room, or what I call the  
9 front room --  
10 Q Front room of whose house?  
11 A Oh, of Dave Ferrie's house.  
12 Q Perry, would this be essentially the same,  
13 would it be essentially the same --  
14 MR. DYMOND:  
15 Object to leading the witness, if the Court  
16 please.  
17 THE COURT:  
18 Rephrase your question.  
19 BY MR. ALCOCK:  
20 Q (Exhibiting photograph to witness) I show you  
21 what I have marked as "S-14-Trial," and  
22 I ask you if you recognize that picture.  
23 A Yes, sir.  
24 (Whereupon, the photograph referred  
25 to by Counsel was duly marked for

1 identification as "Exhibit S-14T.")  
2 BY MR. ALCOCK:  
3 Q What does that picture mean to you?  
4 A This is the hallway, where the policeman is  
5 is the front of the building to the out-  
6 side porch, and the front room is right  
7 over to the right, and this is the hallway  
8 looking forward, toward the front, toward  
9 Louisiana Avenue Parkway.  
10 Q Now, whose apartment is that?  
11 A This is Dave Ferrie's apartment.  
12 Q (Exhibiting photograph to witness) Referring  
13 you once again to S-11, can you see any  
14 portion of S-11 in S-14T?  
15 A I see the front, at least part of the front  
16 porch.  
17 Q All right. (Exhibiting photograph to witness)  
18 I now show you what is marked for purposes  
19 of identification as "S-15T," and I ask you  
20 if you can recognize that picture.  
21 A This is the dining room area.  
22 Q Whose apartment?  
23 A Of Dave Ferrie.  
24 Q Now I show you what I have marked for purposes  
25 of identification as "S-16T," and I ask you

1 if you recognize the person depicted in  
2 that picture.

3 A Yes, sir.

4 Q Who is that?

5 A That is Dave Ferrie.

6 (Whereupon, the photographs referred  
7 to by Counsel were duly marked for  
8 identification as "Exhibit S-15T"  
9 and "Exhibit S-16T.")

10 BY MR. ALCOCK:

11 Q Now, Mr. Russo, going back to S-12-Trial, your  
12 having viewed the other pictures, are you  
13 able to identify the scene depicted in  
14 "S-12-T"?

15 A Yes, sir.

16 Q What is that?

17 A This would be the hallway.

18 Q In whose apartment?

19 A In Dave Ferrie's apartment.

20 Q Perry, now referring you to the month of  
21 September, 1963, did you have occasion at  
22 any time during that month, without speci-  
23 fying at this time when, to go to the  
24 apartment of David Ferrie?

25 A Yes, sir.

1 Q Can you approximate for us how many times you  
2 might have gone there in the month of  
3 September, 1963?  
4 A Perhaps three or four.  
5 Q Perry, do you recall going there sometime in  
6 the middle of the month of September,  
7 1963?  
8 A Yes, sir.  
9 Q On this occasion, Perry, was there anyone else  
10 present in the apartment when you arrived?  
11 A There was.  
12 Q Can you approximate for us how many people  
13 were present?  
14 A Two.  
15 Q When you first arrived?  
16 A There were.  
17 Q Who were they, if you know?  
18 A Dave Ferrie and a man introduced as his room-  
19 mate.  
20 Q Had you met the other man prior to that?  
21 A The roommate?  
22 Q Yes.  
23 A No.  
24 Q And you describe for the gentlemen of the Jury  
25 the wearing apparel and outward appearance

22 3

1 of the roommate?

2 A Generally dirty and his hair was ruffled and  
3 he had light whiskers on.

4 Q Now, Perry, what specifically do you mean by  
5 "light whiskers"?

6 A Perhaps a three-, four-day growth of beard.

7 Q Was his complexion swarthy, ruddy, or what  
8 sort of complexion did he have?

9 A I don't know really.

10 Q Was his beard dark or light?

11 A The beard was -- well, it wasn't really a  
12 beard, it was just whiskers; it wasn't  
13 dark though.

14 Q (Exhibiting photograph to witness) Perry,  
15 I am going to show you what I at this time  
16 will mark for purposes of identification  
17 as "State's Exhibit 17-Trial," and after  
18 displaying to Defense Counsel, I ask you  
19 if you can recognize anyone depicted in the  
20 picture.

21 (Whereupon, the photograph referred  
22 to by Counsel was duly marked for  
23 identification as "Exhibit S-17T.")

24 MR. DYMOND:

25 What was the old number?

1 MR. ALCOCK:  
2 S-2.  
3 BY MR. ALCOCK:  
4 Q Perry, this is the exhibit I have marked "S-17T."  
5 I ask you if you recognize any of the  
6 individuals depicted in it.  
7 A Yes, sir.  
8 Q Would you place an "X" over the individual that  
9 you recognize in that picture.  
10 A (The witness complied.)  
11 Q From where do you first recognize this indi-  
12 vidual?  
13 A The first I recognize (is) from Dave Ferrie's  
14 apartment.  
15 Q Did you see him on this occasion that you are  
16 now relating to the Jury?  
17 A Yes, sir.  
18 Q Is this the roommate?  
19 A Introduced that way, yes, sir.  
20 Q Introudced as the roommate?  
21 A Yes, sir.  
22 Q Do you see him in the other frame, or do you  
23 see anyone in the other frame that you  
24 recognize?  
25 A Well, I deduct (sic) it was the same man, but I

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 2/24/93

1                   wouldn't identify it from that photograph,  
2                   no.

3       Q       All right. (Exhibiting photograph to witness)  
4                   Perry, I am going to show you an exhibit  
5                   which I have previously marked for identi-  
6                   fication as "S-1," and I ask you if you  
7                   recognize the individual depicted in it.

8       A       Yes, sir.

9       Q       And from where do you first recognize this  
10                  individual?

11      A       He was introduced to me at Ferrie's apartment.

12      Q       Is that the occasion that you are relating to  
13                  the Jury now?

14      A       Yes, sir.

15      Q       What name?

16      A       Leon Oswald.

17      Q       Now, Perry, on this occasion approximately how  
18                  long were you in the presence of the man  
19                  introduced to you as the roommate?

20      A       Not but a short while.

21      Q       And, Perry, what, if anything, on this occasion  
22                  was this man doing when you first entered  
23                  the apartment?

24      A       When I first entered the apartment he was clean-  
25                  ing a rifle or polishing it.



1 Q (Exhibiting rifle to witness) Perry, I am going  
2 to show you what I shall now mark for pur-  
3 poses of identification "S-18," and, after  
4 displaying it to Defense Counsel, ask you  
5 whether you recognize S-18, or recognize  
6 it to be similar to anything you have seen  
7 in the past.

8 A Yes, sir.

9 Q Have you seen this gun or a similar gun at any  
10 time?

11 A Yes, sir.

12 Q Where did you see it?

13 A I saw it at Ferrie's apartment.

14 Q And if in anyone's possession, whose possession  
15 was it in at the time?

16 A It was in Oswald's possession.

17 Q Perry, are you testifying that this is the same  
18 gun or --

19 A No. I am not sure if it was the same gun or  
20 not.

21 Q Do you see any similarities between this gun  
22 and the one you saw on that occasion?

23 A The stock is similar as well as the barrel of  
24 the scope.  
25

(Whereupon, the document referred  
to by Counsel was duly marked for  
identification as "Exhibit S-18.")

BY MR. ALCOCK:

Q (Exhibiting photograph to witness) Perry, I am  
going to show you a picture which I have  
marked for identification as "S-19," and  
I ask you whether or not you have seen  
this picture or a similar picture at any  
time.

A Yes, sir.

(Whereupon, the document referred  
to by Counsel was duly marked for  
identification as "Exhibit S-19.")

BY MR. ALCOCK:

Q Where did you see that picture or a similar  
picture at any time?

A Where did I see a photograph similar to this?

Q Yes.

A In the District Attorney's office.

Q Do you recognize the individual depicted in the  
picture?

A Yes, sir.

Q Who does it purport to be in your mind?

A The roommate of Dave Ferrie, or the man he

1 introduced.

2 Q With reference, Perry, to the whiskers that  
3 have been drawn on this picture, do they,  
4 in your estimation, accurately reflect --

5 MR. DYMOND:

6 I object to this as leading the witness,  
7 Your Honor.

8 THE COURT:

9 Rephrase your question.

10 BY MR. ALCOCK:

11 Q What are the similarities between this picture  
12 and the roommate as you saw him on that  
13 occasion, if any?

14 A Well, the eyes, the chin, general facial  
15 structure and the messed-up hair on the  
16 head, and somewhat of the whiskers.

17 Q Perry, did you have another occasion within  
18 the month of September, 1963 to see the  
19 man introduced to you as Leon Oswald?

20 A Yes, sir.

21 Q Approximately when was that and where did it  
22 occur?

23 A It occurred at Dave Ferrie's apartment, and it  
24 was about in the middle of the month.

25 Q Can you give me the occasion for this meeting?

1 A Well, I just -- I came in, probably from Tulane  
2 from playing basketball, just dropped in  
3 and he was there at that time.

4 Q Was there anyone else present at that time?

5 A There were several people present.

6 Q Approximately how many?

7 A Eight or ten.

8 Q Did you know any of the persons that were  
9 present?

10 A I had been introduced to Oswald, and I knew  
11 Dave Ferrie.

12 Q Dave Ferrie was present then?

13 A Yes, it was his house.

14 Q Would that have been at 3330 Louisiana Avenue  
15 Parkway?

16 A Yes, sir.

17 Q Is that in the City of New Orleans, Perry?

18 A Yes, sir.

19 Q Now can you describe any of the other persons  
20 that were present at that time?

21 A There were three or four Latins or Cubans, there  
22 were a couple of young guys and there was  
23 one well-dressed man.

24 Q Can you give me more of a description of the  
25 well-dressed man?

1 A He had on a deep maroon jacket, white shirt I  
2 guess, and I am not real sure about the  
3 pants.

4 Q Did he have on a tie?

5 A No, not the way I remember him.

6 Q Can you give me any description as to physical  
7 stature?

8 A He was big, about six four or six five, wide-  
9 shouldered, distinguished looking.

10 Q Color of hair?

11 A White.

12 Q Was this man there when you first arrived,  
13 Perry?

14 A Yes, sir.

15 Q Do you see that man in the courtroom now?

16 A I do.

17 Q Would you point to him, please.

18 A (The witness complied.)

19 Q Is that the defendant before the bar, this man  
20 here (indicating)?

21 A Yes, sir.

22 MR. ALCOCK:

23 Let the record reflect that the witness  
24 has indicated the Defendant Clay Shaw.

25 THE COURT:

1 Let it be noted in the record.

2 BY MR. ALCOCK:

3 Q Now, Perry, what, if anything, did you do after  
4 you arrived at this apartment in the  
5 presence of the Defendant?

6 A Well, I was just there, I mean I don't think I  
7 drank anything at all though I was offered  
8 some coffee. I had probably small talk  
9 with Ferrie. He introduced me to several  
10 of the people.

11 Q Did he introduce you to the Defendant?

12 A He did.

13 Q And what name were you given for the Defendant?

14 A Bertrand.

15 Q Any first name?

16 A Clem.

17 Q C-l-e-m?

18 A C-l-e-m.

19 Q Perry, had you seen the Defendant Clay Shaw,  
20 who was introduced to you as Clem Bertrand  
21 on that occasion, at any time prior to that  
22 time?

23 A I had, approximately -- I had definitely seen  
24 him once and perhaps twice, but I am not  
25 sure of the second time.

1 Q Well, the one you are sure of, where did that  
2 occur?

3 A That was at the Nashville Wharf.

4 Q Is that here in the City?

5 A Yes, sir.

6 Q Can you recall the occasion for your having  
7 seen him on that date or that time?

8 A Well, I was at school, and president Kennedy  
9 was coming to New Orleans to make a speech  
10 right at the Nashville Wharf on that  
11 occasion, because it was a new wharf, and  
12 I went over to the wharf with a colored  
13 friend of mine -- he was in my class --  
14 and we were running late because of getting  
15 out of class and just had to run, and we  
16 went over there, and we got in late and we  
17 were sort of -- not shoved but we were left  
18 over in the back, but we had a good visible  
19 view of President Kennedy.

20 Q And where did you see the Defendant on that  
21 occasion?

22 A Well, we were in the back, toward the back of  
23 the hangar, and he was there also.

24 Q Did he appear to be with anyone?

25 A He appeared to be with one man, right.

1 Q Can you describe this man?

2 A He wasn't nearly as tall; he was well dressed;  
3 that would be about all.

4 Q Perry, is there any particular reason that  
5 your attention was drawn to the Defendant  
6 on this occasion?

7 A Well, I had never seen a President before, and  
8 I had rushed over there with this friend  
9 of mine, and the thing that drew my eyes  
10 away from the President to the Defendant  
11 was that he was not looking at the Presi-  
12 dent, he was looking around.

13 Q Why would that have taken your eye? Why would  
14 that have drawn your attention?

15 A Well, I had never seen a President and it was a  
16 big thing for me. I had attempted to see  
17 President Eisenhower back in '56, and I had  
18 never seen President Kennedy, although I  
19 had read quite a bit on the man, and it  
20 just struck me funny that someone wouldn't  
21 be looking at him.

22 Q To your knowledge, Perry, did you see any Secret  
23 Service men there that day?

24 MR. DYMOND:

25 Object unless they identified themselves



1 to him.  
2 MR. ALCOCK:  
3 I said to his knowledge.  
4 THE COURT:  
5 If he knows of his own knowledge.  
6 MR. ALCOCK:  
7 That is what I said.  
8 A NO.  
9 BY MR. ALCOCK:  
10 Q Perry, did you notice anyone else who was not  
11 looking at the President?  
12 A At the Nashville Wharf?  
13 Q At the Nashville Street Wharf.  
14 A Not that I can recall.  
15 Q Now, Perry, approximately how far were you from  
16 the Defendant at this time when you ob-  
17 served him at the wharf?  
18 A About ten feet, 15 feet.  
19 Q Do you recall whether or not the person that you  
20 had gone to the wharf with, was with you  
21 at that time?  
22 A Would you repeat that?  
23 Q Do you recall whether or not the person that you  
24 went to this wharf dedication with was with  
25 you at the time that you observed the de-

34

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: NSCA (RG 233)

fendant?

A I am sure he was.

Q Do you know whether or not, of your own knowledge, that he made the same observation you did, or whether or not he --

MR. DYMOND:

Object to that as hearsay, Your Honor.

MR. ALCOCK:

Your Honor, I said of his own knowledge.

THE COURT:

It is a fact, it is not hearsay.

MR. ALCOCK:

It is a pretty fair deduction that he saw the same thing he saw.

MR. DYMOND:

If the Court please, I am talking about verbal observations. It is certainly hearsay. If he is asking this witness what the other man saw, the other man is certainly the best evidence of what he himself saw.

MR. ALCOCK:

I have never heard of a "verbal observation," but I didn't ask for a verbal observation, I merely asked of his own know-

1                   ledge does he know whether or not the  
2                   other man saw the same thing he did.  
3                   He can testify whether or not the  
4                   other man was looking in the same di-  
5                   rection he was. That is all I am ask-  
6                   ing.

7           MR. DYMOND:

8                   Your Honor, he can testify whether the  
9                   other man was in a position to see  
10                  certain things but certainly not  
11                  whether he saw certain things.

12          THE COURT:

13                  Rephrase it that way. I will permit the  
14                  question.

15          MR. ALCOCK:

16                  All right.

17          BY MR. ALCOCK:

18          Q       Where physically was the other man in relation  
19                  to you at this time?

20          A       Right alongside of me.

21          Q       Would he have been on the side between you and  
22                  the Defendant, or on the other side?

23          A       I am not sure. He probably was on both sides  
24                  at one time or another.

25          Q       At any time during the course of your viewing

1 of President Kennedy, would he have been  
2 in a position to see the Defendant?

3 A Would my friend?

4 Q Yes.

5 A To see the Defendant? Yes, sir.

6 Q You don't know of your own knowledge though  
7 whether or not he saw him? Of your own  
8 knowledge. You can't say what he told you.

9 A No.

10 Q Perry, approximately how long did you look at  
11 the Defendant on this occasion?

12 A Eight or ten minutes.

13  
14  
15  
16  
17  
18 NO HIATUS HERE.  
19  
20  
21  
22  
23  
24  
25

1 Q And other than that one occasion, you can't  
2 specifically remember seeing the Defendant  
3 prior to the time you saw him at Ferrie's  
4 apartment, is that correct?

5 A There was one other place perhaps, but I am not  
6 definitely sure. He had a hat on at that  
7 time. It was at Republican Headquarters  
8 on Camp Street, and a man with his face  
9 and looks and also build, but much slimmer,  
10 walked into the headquarters, kept his hat  
11 on. He picked up a couple of bundles and  
12 walked out, and that was about it.

13 Q Perry, approximately when did you observe the  
14 Defendant on the Nashville Street Wharf?

15 A When President Kennedy came. He came twice I  
16 think.

17 Q Do you recall what season of the year it was?

18 A Well, it was warm weather, baseball time.

19 Q Now, Perry, going back to the time that you were  
20 in Ferrie's apartment and the Defendant  
21 was there, Leon Oswald was there, and  
22 Ferrie was there, what conversation  
23 transpired in the presence of the  
24 Defendant?

25 A Well, it was -- just Ferrie generally

1 monopolized the conversation. There was  
2 a lot of talk. I think I recall there  
3 were even records being played, speeches  
4 or something in Cuban or in Spanish, and  
5 people were just talking.

6 Q Do you recall anything specifically that  
7 Ferrie might have said on this occasion  
8 in the presence of the Defendant?

9 A Well, that they were going to kill the  
10 President, but he had said that before.

11 Q He had said that to you before?

12 A Right.

13 Q Many times?

14 A Well, during the Summer he became obsessed  
15 with Kennedy and the Cuban thing.

16 O Perry, on this occasion did all of the persons  
17 present in Ferrie's apartment leave the  
18 apartment at the same time?

19 MR. DYMOND:

20 Object to leading the witness.

21 THE COURT:

22 Objection sustained.

23 MR. ALCOCK:

24 What is leading about that, Your Honor?

25 I am asking whether all the people

35  
RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 left at the same time. That is not  
2 a leading question.

3 MR. DYMOND:

4 I didn't even know that they had left,  
5 Your Honor.

6 THE COURT:

7 Rephrase the question.

8 BY MR. ALCOCK:

9 Q To your knowledge, did everybody stay at  
10 Ferrie's apartment?

11 A For the duration of the evening?

12 Q Yes.

13 A No.

14 Q Now, approximately how long after you arrived  
15 did the first people leave?

16 A Well, I didn't notice how long they stayed,  
17 you know, people stayed until they left.

18 Q Perry, do you ever recall a conversation during  
19 the course of that meeting in which the  
20 Defendant participated?

21 A Yes, sir.

22 Q Now, approximately how long was that after you  
23 arrived at the apartment?

24 A Approximately three, four hours; I am not real  
25 sure of how much time elapsed.

4  
RELEASED PER P.L. 102-626 (JFK ACT)  
NARA  
DATE 11/23/93

Reference copy, JFK Collection: ESCA (Pg 233)

1 Q And, Perry, who was present at the time that  
2 the Defendant participated in a conversa-  
3 tion that you heard?  
4 A It was Dave Ferrie, Oswald, and the Defendant  
5 and myself.  
6 Q To your knowledge, was there anyone else in  
7 the house at this time?  
8 A No, not that I know of.  
9 Q Perry, what room in the house did this conver-  
10 sation take place?  
11 A In the -- what I identified as the front room.  
12 Q (Exhibiting photograph to witness) I am going  
13 to show you what I have previously shown  
14 you and mark for identification "S-13-  
15 Trial," and I ask you if this is the  
16 front room you are referring to.  
17 A Yes, sir.  
18 Q Now, Perry, at the time this conversation took  
19 place, was the furniture arrangement the  
20 same as it is in this picture, if you can  
21 recall?  
22 A Well, roughly. I am not -- everything was  
23 moved around to some degree, but there was  
24 a big sofa alongside of this hall next to  
25 the piano (indicating).

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (Pg 233)



3-5

1 Q Do you recognize any physical objects in that  
2 picture that were present at the time  
3 this conversation took place?

4 A The piano, and I would suppose this small  
5 sofa, but I am not sure if it would be  
6 the exact one but something similar to  
7 that, and something similar to this coffee  
8 table that was there. Probably the lamp,  
9 but I just don't know if that is the same  
10 lamp or not, but there was a lamp there.

11 Q Perry, would you mark an "X" on those items  
12 which you feel were present at the time  
13 this conversation took place?

14 A (Marking photograph) And a piano stool.

15 Q Now, Perry, I note that on one of these,  
16 referring to the chair, you put a question  
17 mark. What was the reason for that?

18 A Well, I don't remember two stuffed (?) chairs  
19 like that being there. It could have  
20 been one that was put into the dining  
21 area, or, you know, might have been another  
22 just old one and those might have been  
23 replacements.

24 Q Where, generally, Perry, during the course of  
25 the night prior to this time of the night

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 did this party -- not this party but  
2 gathering take place?

3 A Where was Ferrie?

4 Q No, where were most of the guests during the  
5 course of the night?

6 A Well, most of them went in the front room, that  
7 room I just looked at, and also there  
8 were eight or ten people -- there was a  
9 dining area that was attached to the  
10 front room or a section that was outstand-  
11 ing on the front room, and some of the  
12 people would walk into there and walk  
13 out, but essentially it was in those  
14 two rooms.

15 Q Now I am going to show you what I have marked  
16 for purposes of identification, previously  
17 identified as "State-15-Trial," and I ask  
18 you if you recognize the room depicted in  
19 that picture (exhibiting photograph to  
20 witness).

21 A This was the dining area.

22 Q (Indicating) Is this the other area that --

23 A Right, it is an adjoining area, sort of one,  
24 big area broken down into two rooms, except  
25 there is a divider.

1 Q Do you recognize, Perry, any physical items  
2 or objects in that room that were there  
3 on that occasion, to the best of your  
4 knowledge?  
5 A I think the dining table was there and I think  
6 the cabinet against the wall was there.  
7 Q Put an "X" on those two items.  
8 A (The witness complied.)  
9 Q All right, Perry. Now, what conversation took  
10 place at this time?  
11 A This was after everyone had left?  
12 Q Between the Defendant --  
13 A -- Oswald?  
14 Q -- Oswald, yourself and Ferrie.  
15 A Yes. Well, Ferrie seemed to me just a continu-  
16 ation of a conversation that he had had  
17 before.  
18 Q Now, what was that conversation?  
19 A Well, he had said on several occasions about  
20 killing Kennedy, how easy it would be to  
21 do it or to accomplish it.  
22 MR. DYMOND:  
23 If The Court please, at this time we are  
24 going to object to any statements  
25 allegedly made by this Leon Oswald

45

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/28/23

Reference copy, JFK Collection: ESCA (RG 233)

1 unless they were made in the presence of  
2 the man purporting to be this Defendant,  
3 on the grounds --

4 MR. ALCOCK:

5 This is what I asked him. I think he is  
6 relating --

7 BY MR. ALCOCK:

8 Q Are you relating what actual conversation took  
9 place during the course of that night and  
10 in the presence of the Defendant earlier  
11 and later?

12 A No, I thought you were asking me what went on  
13 before that night.

14 Q No, I am only asking you what conversation took  
15 place in the presence of the Defendant.

16 A Well, Ferrie carried around a bunch of clip-  
17 pings with him, clippings.

18 Q Did you see these clippings?

19 A Well, I saw a couple, just the outside of them,  
20 part of them, and I would see Kennedy's  
21 name on them. I just supposed the rest  
22 of them were about Kennedy, too. I saw  
23 perhaps two or three.

24 MR. DYMOND:

25 Object to what the witness supposes. That

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA  
DATE 11/23/93

46

1 is his conclusion.

2 THE COURT:

3 Sustained. Tell what you saw not what  
4 supposedly you saw.

5 THE WITNESS:

6 I saw two or three clippings from news-  
7 papers and perhaps magazines, and  
8 they had Kennedy's name on them.

9 BY MR. ALCOCK:

10 Q And what was David Ferrie saying at the time  
11 he had the clippings in his hand? Once  
12 again, only what was said in the presence  
13 of the Defendant.

14 A Well, he paced back and forth on the floor, he  
15 carried the clippings. There was a  
16 speech of some kind of Latin or Spanish  
17 talking going on on a record. He didn't  
18 really -- he just didn't say much at that  
19 time, except that he did walk around  
20 muttering about Kennedy.

21 Q Now, getting back to the conversation that  
22 transpired at the time the -- between --  
23 just the Defendant, Oswald and yourself,  
24 Ferrie and yourself present. What was  
25 said then?

Reference copy, JFK Collection: HSCA (RG 233)

1 A Well, Ferrie, his habit was to walk up and down, 47  
2 and he was walking up and down telling  
3 how the projected assassination could be  
4 pulled off, the assassination of President  
5 Kennedy, and during that period of time  
6 he told them about this triangulation of  
7 crossfire where there would be --  
8 (demonstrating) this is a habit he had,  
9 was sticking his hand up and showing a  
10 three-sided triangulation or a three-  
11 cornered triangulation, and he said of  
12 these three people, for two of them to  
13 escape one would have to be captured as a  
14 scapegoat or a patsy for the other two,  
15 and that perhaps there would be a diver-  
16 sionary shot or all three would shoot at  
17 the President somewhere in the middle and  
18 one of them would have to be the scapegoat  
19 but perhaps the one that was the scapegoat  
20 there could be what he called a diversion-  
21 ary shot and the other two would shoot for  
22 the kill or a direct hit.  
23 Q Did he mention the order of shooting at all?  
24 A He did say that there would be -- He said the  
25 diversionary shot if fired would be fired

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 to attract attention, and then instantly  
2 the police or whatever was around would  
3 look, and said the other two would shoot  
4 for the kill, and he said it would be just  
5 a slight delay but almost simultaneously.

6 Q The last two almost simultaneously?

7 A Well, except for the little small delay all  
8 three would be almost simultaneously.

9 Q Referring specifically to the last two, were  
10 they to be almost simultaneously?

11 A They were to be shot at the same time for the  
12 kill.

13 Q What else was said, Perry?

14 A Well, he told about as soon as the assassina-  
15 tion was performed or had, he said that  
16 the escape would be by flight, said it  
17 could either -- they could either go to  
18 Mexico, I mean to Brazil, or could go to  
19 Cuba, said if they went to Brazil they  
20 would have to stop for refueling somewhere,  
21 and he said Mexico.

22 Q And did the Defendant at any time during this  
23 conversation make any statements?

24 A. Well, he -- at that time the Defendant objected  
25 to that and said no, that wouldn't be

1 possible because --

2 Q Objected to what?

3 A Objected to this -- Ferrie called it availabil-

4 ity, the availability exit would be to

5 go to Mexico and then to Brazil, or to

6 go directly to Cuba, and the Defendant

7 said that was not possible because if you

8 had to go to Brazil you would need

9 co-operation from some place to stop and

10 refuel, and also the ability to fly out

11 of the area of the assassination, and he

12 said that wouldn't be possible with --

13 instantly the police would be everywhere.

14 Q As a result of his comment was anything fur-

15 ther said by either Ferrie, Oswald or

16 the Defendant?

17 A Well, Oswald told them to shut up, he said --

18 Q Told who to shut up?

19 A Oswald told Bertrand to shut up. He said,

20 "Shut up, Ferrie knows what he is doing,

21 he is a pilot."

22 Q And then what if anything did Ferrie say?

23 A What if anything -- who?

24 Q After this did Ferrie say anything?

25 A Well, he told about an alternative plan, that



1           perhaps this would be the better way,  
2           this Plan B -- he didn't call it that but  
3           he said an alternate plan -- and he said  
4           what they could do was to make sure that  
5           they had alibis and were in the public  
6           eye at the time of the assassination.

7   Q       And what if anything did the Defendant say to  
8           this?

9   A       Well, the Defendant seemed -- the Defendant  
10           said that he could go on business for his  
11           company.

12   Q       Did he specify any particular location?

13   A       He said on the Coast.

14   Q       Did Ferrie say anything?

15   A       Well, Ferrie said he could make a speech at  
16           Southeastern -- Hammond or Southeastern,  
17           I am not sure which -- a speech at a  
18           college.

19   Q       Did Oswald say anything?

20   A       Oswald? No, he didn't say anything at that  
21           time.

22   Q       What if anything did the Defendant talk about?

23   A       Well, he thought -- in that exchange that I was  
24           just telling you about he felt that Ferrie  
25           was a washed-up pilot.

1 Q And was anything said -- Did he make this  
2 comment?

3 A I am not exactly sure of the words, because it  
4 was right before Oswald told him to  
5 shut up, because he said he knows what he  
6 is doing because he is the pilot.

7 Q Was there a specific reference, Perry, to the  
8 number of people who would definitely  
9 participate in the shooting?

10 A It had to be two or it had to be three.  
11 Definitely it was always one firing the  
12 diversionary shot. The three would be --  
13 Ferrie said one of them would fire a  
14 diversionary shot and two of them would  
15 shoot to kill the President. With the two  
16 situation, one would fire a diversionary  
17 shot and attract the attention, and the  
18 number two gun would shoot to kill.

19 Q Was the type of gun or guns ever mentioned?

20 A No, except that it was a rifle.

21 Q Did you see any weapons at all on this occa-  
22 sion?

23 A No.

24 Q Besides the rifle that you first saw when you  
25 met Oswald, did you see any other weapon

1 in his possession at any time in Ferrie's  
2 apartment?

3 A I am not sure, I am not sure.

4 Q Perry, do you recall specifically whether or  
5 not on this occasion that you went to  
6 Ferrie's apartment with any person?

7 A In September?

8 Q On this occasion you are relating to the Jury.

9 A Well, during that period of time I thought that  
10 it was approximately -- I associated with  
11 the same people, most of the time, with  
12 just a few exceptions, I associated with  
13 the same people, and probably some of those,  
14 if anybody came with me.

15 Q Are you testifying that you are positive some-  
16 one accompanied you on this occasion?

17 A I am testifying I don't know if anyone accom-  
18 panied with me on that occasion.

19 Q Can you name these people who were constant  
20 companions at this time?

21 A Well, Giles Peterson -- there were several  
22 people at Loyola -- Father Clancy was --  
23 right around that time I was involving  
24 myself with the Republican Party and  
25 Mike Ogden.

1 Q Anyone else, Perry?

2 A Well, there were quite a few (in) athletics,  
3 there was Tommy Hopkins, his brother  
4 Harold Hopkins, there was Kenny Carter  
5 from Xavier, Joe Cook from Xavier,  
6 Kenny Carter from Loyola, Bush Larong,  
7 Isaiah King, Louis Gremillion. All of  
8 these were people that came around.

9 Q Perry, at that time did you know a girl by the  
10 name of Sandra Moffett?

11 A I did.

12 Q Would you term her a constant companion during  
13 this time?

14 A Right, she was -- for a period, I mean a long  
15 period of time she was. Sometimes I  
16 wouldn't see her for a week or perhaps two  
17 weeks, but I would see her.

18 Q Was she your girlfriend at that time?

19 A There were several girls I was going around  
20 with at that time.

21 Q Was she one of them?

22 A She was.

23 Q Perry, was there anything else said between  
24 these three individuals other than what  
25 you have related to us so far?

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA 7/1 DATE 11/23/93

Reference copy, JFK Collection: ESCA (Pg 233)

7

1 A No, not that I recall.

2 Q Do you recall, Perry, who, after this conver-

3 sation occurred, who left the apartment

4 first?

5 A At the end of the conversation?

6 Q Yes.

7 A No.

8 Q Do you recall, Perry, how you got home from

9 the apartment that night?

10 A No, I think -- I am not sure but I think I

11 took a bus home.

12 Q Did you have an automobile at this time?

13 A Not in my possession, with me, no.

14 Q But did you own one at this time?

15 A I owned a bunch of old rattletraps, and during

16 that period of time I probably had a

17 rattletrap that wasn't working.

18 Q Are you specifically telling us, Perry, that on

19 this occasion you did not drive home in

20 a car of yours?

21 A Yes, sir.

22 Q Perry, about what time, if you can recall,

23 did this -- or did you leave Ferrie's

24 apartment on that occasion, if you can

25 recall?

1 A It would be after midnight probably. I am  
2 almost sure of that but the exact time I  
3 am not sure.  
4 Q After this occasion, Perry, did you have any  
5 other occasion, either at Ferrie's  
6 apartment or any other location, to see  
7 Leon Oswald?  
8 A I saw him at Ferrie's apartment.  
9 Q Approximately how long was that after this  
10 meeting?  
11 A A few days, not very long.  
12 Q And who was present on that occasion?  
13 A Again Dave Ferrie was.  
14 Q And what if anything was Oswald doing on that  
15 occasion?  
16 A He was not doing anything. There was a conver-  
17 sation between Ferrie and Oswald.  
18 MR. ALCOCK:  
19 Your Honor, may I have a five-minute  
20 recess at this time?  
21 THE COURT:  
22 The Captain was going to get some coffee  
23 for the Jury at 10:20. All right,  
24 I will grant your recess.  
25 Do not discuss the case during

the recess.

(Thereupon, a 10:15 o'clock a.m.,  
a recess was taken.)

NO HIATUS HERE

1 AFTER THE RECESS:

2 THE COURT:

3 Is the State ready and the Defense ready  
4 to proceed?

5 MR. ALCOCK:

6 Yes, sir.

7 MR. DYMOND:

8 We are ready.

9 BY MR. ALCOCK:

10 Q Perry, going back to this occasion which you  
11 saw Oswald at Ferrie's apartment after  
12 this conversation, again, who was present  
13 on this occasion?

14 A Oswald and Ferrie.

15 Q And what was said on this occasion?

16 A They were having a private discussion, I did  
17 not feel I was part of it, the only thing  
18 I understood from the discussion --

19 MR. DYMOND:

20 I object to it as being a purported con-  
21 versation between two other parties  
22 when no prima facie case for con-  
23 spiracy has been proven and it is out  
24 of the presence --

25 THE COURT:



RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: NSCA (Rg 233)

1           The Court overrules that objection.

2       MR. DYMOND:

3           To which ruling, if the Court please,

4           Counsel for the Defense reserves

5           a bill of exception, making the ques-

6           tion propounded by the State, the

7           answer, Counsel's objection, the

8           ruling of the Court, and the entire

9           record of the proceedings up to this

10          point, a part of the bill.

11       THE COURT:

12          Before you proceed, Mr. Alcock, I just

13          want to note in the minutes of the

14          Court, I will cite the articles and

15          cases as my reasons for my decision

16          at a later time. I don't want to hold

17          it up now, but I wish to cite certain

18          articles.

19          You may proceed.

20       BY MR. ALCOCK:

21       Q     Continue, Mr. Russo.

22       A     Ferrie said that Oswald had said he was having

23           trouble with his wife, and Ferrie told him,

24           "I will take care of it."

25       Q     At this occasion or prior to this occasion, did

1                   you know that Oswald was married?

2   A     Yes.

3   Q     How did you know that?

4   A     He had a wedding ring on.

5   Q     Now, Perry, in addition to this occasion, did

6                   you again at any time see Oswald, either

7                   at Ferrie's apartment or any other loca-

8                   tion?

9   A     I saw him one other time.

10   Q     Approximately when was that?

11   A     Oh, a few days later, I am not exactly sure.

12   Q     Where was that?

13   A     At Ferrie's apartment.

14   Q     Who was present on this occasion?

15   A     Ferrie and Oswald.

16   Q     What, if anything, took place on that occasion?

17   A     Oswald was leaving town.

18   Q     And what, if anything, was said either by

19                   Oswald or Ferrie on that occasion?

20   A     He was leaving town, had stuff packed up, and

21                   I don't remember the exact words, but

22                   Oswald either said, or Ferrie mentioned

23                   it, that he had gone to Houston.

24   Q     Can you recall, Perry, anything else that was

25                   said between the two on that occasion?

1 MR. DYMOND:

2 I would like the record to show the same  
3 objection, the same bill applies to  
4 this entire line of testimony.

5 THE COURT:

6 The same ruling.

7 BY MR. ALCOCK:

8 Q Can you recall, Perry, whether or not anything  
9 else was said between the two on that  
10 occasion?

11 A No, not really.

12 Q Perry, on this occasion, what was the physical  
13 appearance of Oswald?

14 A I did not get a great look at him except that  
15 he was clean, he had a white shirt on, a  
16 tie he had turned sideways like that, and  
17 he was relatively clean in comparison with  
18 before.

19 Q Specifically, Perry, with reference to his face,  
20 was there anything different than there  
21 was before?

22 A I didn't take a great note, except that it was  
23 the same man, just walked in, and, you know,  
24 that was about it, I looked at him and left.  
25 As I remember, I didn't take a really great

RELEASED PER P.L. 108-628 (JFK ACT)  
NARA DATE 11/23/93

1 notice of his physical appearance except  
2 he was clean.

3 Q Approximately, Perry, how long were you in his  
4 presence on this occasion?

5 A That time?

6 Q At that time, right.

7 A Five, ten minutes at the most.

8 Q Did you actually see him leave Ferrie's apart-  
9 ment on that occasion?

10 A No.

11 Q During the course of this encounter with  
12 Oswald and Ferrie, did Ferrie at any time  
13 leave the apartment and thereby just leave  
14 you and Oswald in the apartment?

15 A No.

16 Q How long did you remain in the apartment on that  
17 occasion?

18 A About five or ten minutes.

19 Q Perry, do you recall whether or not anyone was  
20 with you on that occasion?

21 A No, I am almost sure I was alone.

22 Q Now, Perry, going back to the occasion you saw  
23 Oswald in Ferrie's apartment, after the  
24 time you saw the Defendant present, that  
25 would be the first time you saw him after

Reference copy, JFK Collection: NSCA (RG 233)

1           that, was anyone with you?

2   A     At that time, no.

3   Q     Referring now to the first time that you saw

4           Oswald present in the apartment, cleaning

5           the rifle that you have testified to, was

6           anyone present with him?

7   A     The first time that I came up or went up there?

8   Q     Right.

9   A     No.

10   Q     Perry, subsequent to this time in the middle of

11           September, 1966, did you have occasion to

12           see the Defendant again before the year

13           1967?

14   A     Yes, once.

15   Q     Now, where was this?

16   A     This was at a Gulf Station on Veterans Highway.

17   Q     Would that be a gasoline station?

18   A     A gasoline station, yes.

19   Q     Do you recall approximately when that was?

20   A     It was in early 1964.

21   Q     And what was the occasion for your seeing him

22           there?

23   A     Well, I had trouble with my automobile, and I

24           pulled into a service station just by

25           chance, and it happened to be Ferrie's

62 13

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA  
DATE 11/28/93

Reference copy, JFK Collection: ESCA (RG 233)

1 Service Station or he was working there,  
2 and these two attendants came to the car  
3 and they asked me what was wrong, I think  
4 it was the battery, it was bad or the cells  
5 were bad, I needed a charge, and they told  
6 me just to pull it over on the side and  
7 Dave Ferrie walked up and said, "What are  
8 you doing," and I said something, you know,  
9 "Long time no see."

10 Q At this time, I don't think it appropriate that  
11 you say what was said since this was the  
12 year 1964. What, if anything, did you do  
13 or say on this occasion?

14 A Well, I pulled the car up on the side, as I  
15 was instructed by the attendants, and I  
16 just sat there with the door open while they  
17 worked on the car, and I at that time saw  
18 Ferrie was sitting in the car next to mine,  
19 and he was talking with a man at that time.

20 Q And do you see the man that he was talking with  
21 at that time in the courtroom?

22 A I do.

23 Q Would you point to him, please.

24 A (Indicating).

25 Q Would that be the Defendant, Clay Shaw?

64

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

1 A It is.

2 Q Approximately, Perry, how long were you at that

3 gas station?

4 A I am not sure of that.

5 Q Approximately how long did you look at the

6 Defendant and Ferrie talking in this auto-

7 mobile?

8 A I looked on and off, you know, I was really just

9 mad about the car, and I was in a rush to

10 get out of there, maybe three, four, five

11 minutes.

12 Q Can you recall, Perry, who was sitting behind

13 the wheel of the car and who was sitting

14 on the other side or the back, or wherever

15 the other individual was sitting?

16 A Oh, the Defendant was sitting at the wheel and

17 Ferrie was sitting closer to me toward

18 my car with the door opened on his, just

19 slightly adjoining.

20 Q Was the Defendant wearing a hat on that occasion?

21 A No.

22 Q Perry, did you remember on that occasion that

23 the man that you saw talking to Ferrie was

24 the same man that you had seen --

25 MR. DYMOND:

Reference copy, JFK Collection: NSCA (RG 233)

1 I object to that as leading.

2 THE COURT:

3 Rephrase your question.

4 BY MR. ALCOCK:

5 Q Did you recall ever having seen the man talking  
6 to Ferrie on a prior occasion?

7 A I have seen him on a couple of occasions, one  
8 at Dave Ferrie's apartment, and one at the  
9 Nashville Wharf and perhaps another time  
10 at the Republican Headquarters.

11 Q Did you at any time during the course of this  
12 encounter engage in conversation with the  
13 Defendant?

14 A At the gas station?

15 Q At the gas station.

16 A No.

17 Q Was there any reason why you didn't?

18 A Well, I was in a rush, just conversation, I was  
19 not going to go over there and start a  
20 conversation when I was in a rush to get  
21 out.

22 Q Perry, do you recall how you first made contact  
23 with the District Attorney's Office?

24 A . Oh, in February, I wrote the District Attorney's  
25 Office a letter, to New Orleans, I was



1 living in Baton Rouge at the time.

2 Q Do you recall approximately on what date that  
3 you wrote that letter?

4 A About the 21st of February.

5 Q Would that be 1967?

6 A '67, yes.

7 Q Do you recall, Perry, on what date you mailed  
8 the letter?

9 A Oh, two days, approximately two days later. I  
10 didn't have a chance -- I didn't mail it  
11 that night, something came up the next day  
12 and I was involved with school and some  
13 other things, and I didn't mail it that  
14 next day either, I think I mailed it the  
15 23rd.

16 Q Perry, did you have an occasion either that day  
17 or the next day or the following day to  
18 have a conversation with Mr. Andrew Sciambra,  
19 the gentleman seated to my right?

20 A On the 25th of February he came up to Baton  
21 Rouge.

22 Q And what did you tell Mr. -- now, you can't say  
23 what Mr. Sciambra told you, but what did you  
24 tell Mr. Sciambra on this occasion?

25 A Well, I identified photographs that he showed me,

RELEASED PER P.L. 108-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 told him to my recollection how I had known  
2 the people that I had identified the photo-  
3 graphs, and where and approximately what  
4 years and at what instances or circum-  
5 stances that I -- under which I knew these  
6 people.

7 Q What pictures did you identify, Perry?

8 A Initially I identified -- well, Dave Ferrie,  
9 I identified Dave Ferrie, Oswald, I identi-  
10 fied Bertrand, I identified Sergio Arcacha,  
11 I identified Emile Santana.

12 Q What, if anything, Perry, did you tell Mr.  
13 Sciambra about where you knew Bertrand  
14 or Shaw from?

15 A Oh, I told Mr. Sciambra the first time I had  
16 met Shaw or Bertrand was at the Nashville  
17 Wharf.

18 Q Did you tell him anything in addition to that?

19 A I told him that the next time that I had met  
20 him, I recollect it was at the gas station,  
21 and then finally I told him I had seen him  
22 up at Ferrie's apartment.

23 Q Did you relate to him, Perry, essentially what  
24 you have related to this Jury about the  
25 time that you saw the Defendant at Ferrie's

RELEASED PER P.L. 102-666 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESca (Rg 233)

1 apartment?

2 MR. DYMOND:

3 I object to that as being much too general  
4 a question, asking him whether he re-  
5 lated to him substantially what he told  
6 the Jury.

7 THE COURT:

8 I will overrule the objection.

9 MR. DYMOND:

10 To which ruling, if the Court please,  
11 Counsel for the Defense reserves a  
12 bill of exception, making the ques-  
13 tion, the objection, the testimony of  
14 the witness, the ruling of the Court,  
15 the reason for the objection, and the  
16 entire record up to this point a part  
17 of the bill.

18 (Whereupon, the pending question was  
19 read by the Reporter.)

20 THE WITNESS:

21 Not in a great detail, but in essence, yes.

22 BY MR. ALCOCK:

23 Q Do you recall, Perry, I think you have testified  
24 that you identified a picture of Clay Shaw.  
25 Did you identify the picture as Clay Shaw,

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 or what?

2 A Well, at that time I never heard of the name

3 of Shaw, and Mr. Sciambra showed me the

4 picture and there was a bunch of pictures

5 and I picked it up and I said, "I know this

6 man, I met this man," and then I went on

7 subsequently to give his name, and I said

8 it was Bertrand, he asked me the first

9 name, and I said it was, I had to think

10 about it, I said I think it was Clem, and

11 he said are you sure of that --

12 Q Well, now, you can't say what Mr. Sciambra said.

13 A I was asked, I told him I was sure of it, and,

14 oh, it is hard to give one side of a con-

15 versation.

16 Q Would that be C-l-e-m?

17 A C-l-e-m, right.

18 Q Perry, directing your attention to approximately

19 March 21, 1967, did you ever have any con-

20 versations, without going into their

21 substance at this time, with a man by the

22 name of James Phelan?

23 A I did.

24 Q That is P-h-e-l-a-n. Is that correct?

25 A Right.

1 Q Perry, did you ever tell this man that he 70  
2 wanted to --  
3 MR. DYMOND:  
4 Your Honor, we object at this time to this  
5 witness testifying as to what he told  
6 James Phelan.  
7 THE COURT:  
8 On what grounds?  
9 MR. DYMOND:  
10 It could very well be a self-serving  
11 declaration in addition to corroborating  
12 this witness by his own testimony.  
13 MR. ALCOCK:  
14 Your Honor, I assume the objection is going  
15 to be hearsay, certainly a witness can  
16 testify to what he said, and that is  
17 all I am attempting to elicit from  
18 this witness, what he told James Phelan.  
19 He is subject to cross-examination if Mr.  
20 Dymond feels it is a self-serving  
21 declaration.  
22 THE COURT:  
23 Overruled.  
24 MR. DYMOND:  
25 To which ruling, if the Court please, Coun-

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/28/93

Reference copy, JFK Collection: NSCA (RG 233)

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: HSCA (RG 233)

1 sel for the Defense reserves a bill  
2 of exception, making the question, the  
3 entire testimony, the objection, the  
4 reasons for the objection, the ruling  
5 of the Court, and the entire record  
6 up to this point part of the bill.

7 BY MR. ALCOCK:

8 Q Mr. Russo, did you ever tell Mr. Phelan --

9 THE COURT:

10 You are leading the witness, now, Counsel.

11 BY MR. ALCOCK:

12 Q Can you recall essentially what you told Mr.

13 Phelan on your first encounter with him  
14 in relation to the testimony that you had  
15 given at the preliminary hearing, if you  
16 can recall it?

17 MR. DYMOND:

18 We object, unless the question includes  
19 a designation of when this alleged  
20 conversation took place.

21 MR. ALCOCK:

22 I said March 21, on or about March 21,  
23 1967.

24 THE COURT:

25 It is a statement that the witness made to

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCH (RG 233)

1 Mr. Phelan?

2 MR. ALCOCK:

3 Yes.

4 THE COURT:

5 I will permit that.

6 MR. DYMOND:

7 Same objection.

8 BY MR. ALCOCK:

9 Q Can you recall, Perry, what you told James

10 Phelan on that occasion relative to what  
11 transpired at the preliminary hearing?

12 A I was shown a transcript or a memoranda, rather,  
13 of an initial interview which Mr. Sciambra  
14 conducted in Baton Rouge the previous  
15 month, and there were certain discrepancies  
16 pointed out in that as opposed to the pre-  
17 liminary hearing testimony, and so I told  
18 him, I attempted to --

19 MR. DYMOND:

20 We call for the production of this memo-  
21 randum to which the witness has re-  
22 ferred. We are entitled to follow  
23 him on that.

24 MR. ALCOCK:

25 I will produce the memorandum, Your Honor.

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 12/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 At this time I have a Xerox copy of this  
2 memorandum; however, some areas are  
3 rather indistinct, and perhaps if I  
4 could send someone to the office for  
5 a more legible copy, it might better  
6 suit the purposes of the Court.

7 THE COURT:

8 Do you think we could get Mr. Hull to do  
9 that for us?

10 MR. ALCOCK:

11 I can ask some more questions, Your Honor.

12 THE COURT:

13 Proceed.

14 BY MR. ALCOCK:

15 Q Perry, do you recall where this conversation with  
16 James Phelan took place?

17 A It took place at 311 East State Street, Baton  
18 Rouge.

19 Q And what is that?

20 A That was my home at that time.

21 Q Do you recall approximately what time of day or  
22 night it took place?

23 A It was -- it took place in the evening.

24 Q What do you call "evening"?

25 A From 6:00 to 10:00, 6:00 to 12:00.



1 Q And, Perry, who was present during the course  
2 of this conversation?

3 A There were several people intermittently  
4 present, there was one man that came up  
5 with Mr. Phelan, I think his name was  
6 Matt Herrin, he was a photographer, and  
7 there was Mr. Phelan, myself, the neighbors  
8 from next door, Mr. and Mrs. Kenneth Fisher  
9 and for a few minutes, anyway, and there  
10 were several other people that came in  
11 and left, stayed a few minutes and left.

12 Q Were you living at that location at the time?

13 A 311 East State, yes, I was going to school.

14 Q Did you have any roommates at that time?

15 A Steve Derby.

16 Q Do you recall whether or not he was there?

17 A He was there just for a little while.

18 Q You mentioned that the persons were there  
19 intermittently, and what do you mean by  
20 that?

21 A Well, a Phil O'Neill for one passed over, he  
22 just dropped in, stayed a little while and  
23 left, several other friends of mine up  
24 there at that time just came on over and  
25 they stayed a few minutes and they would

74

RELEASED PER P.L. 108-626 (JFK ACT)  
NARA 9  
DATE 28 93

Reference copy, JFK Collection: ESCA (Rg 233)

RELEASED PER P.L. 102-628 (JFK ACT)  
NARA DATE 11/13/93

Reference copy, JFK Collection: ESCA (RG 233)

1 leave.

2 Q Besides yourself and James Phelan, was there  
3 anyone there the entire time that you  
4 spoke to Phelan?

5 A Well, was there anyone else present the entire  
6 length of Mr. Phelan's stay?

7 Q That's right, besides yourself and Mr. Phelan.

8 A Not talking, Matt Herrin was there taking  
9 photographs.

10 Q Other than yourself, Herrin and Phelan, was  
11 there anyone within earshot the entire  
12 time that Mr. Phelan was there?

13 A No.

14 Q Approximately how long was Phelan in your  
15 apartment?

16 A Approximately three hours.

17 Q Perry, did you know that Phelan was coming to  
18 your apartment?

19 A I knew that he was supposed to have been there  
20 or supposed to have been at my place the  
21 day before, something -- he did not arrive  
22 the day before, he did arrive that day, I  
23 had communicated with the District  
24 Attorney's Office and had found out that  
25 he was coming, and that he would try to

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DP DATE 2/3/93

Reference copy, JFK Collection: HSCA (RG 233)

1 be there on such and such a day, which he  
2 never showed up, he came the next day.  
3 Q You say you communicated with the District  
4 Attorney's Office. Was there any particu-  
5 lar individual within the office, without  
6 saying what he said, that you communicated  
7 with?  
8 A Andrew Sciambra.  
9 Q Would that be the man to my right here?  
10 A Right.  
11 MR. ALCOCK:  
12 I can't proceed much further without the  
13 statement.  
14 THE COURT:  
15 Well, how long do you think it will take  
16 Mr. Hull to get back with it?  
17 MR. ALCOCK:  
18 He has long legs, it's not too far, he  
19 should be back at any time. I have  
20 copies, but some of the portions are  
21 indistinct, and they cannot be read.  
22 THE COURT:  
23 I might suggest if you wish, Mr. Alcock,  
24 you get on the phone and call your  
25 office and see if they are having any

1 difficulty in getting the copies.

2 That might help the situation.

3 MR. ALCOCK:

4 Very well, Your Honor.

5 THE COURT:

6 Tell Mr. Alcock we have them.

7 Do you want time to study that, Mr. Dymond?

8 MR. DYMOND:

9 We would like to look this over, yes, Your  
10 Honor.

11 THE COURT:

12 I don't believe you can proceed until he  
13 has an opportunity to read the exhibit,  
14 and how many pages is it?

15 MR. ALCOCK:

16 Seven pages, 3500 words, as I recall.

17 MR. DYMOND:

18 Six pages, Judge.

19 THE COURT:

20 Take the Jury upstairs.

21 The Court will be in recess.

22 Would you advise me when you are ready to  
23 proceed, I will be in recess.

24 MR. DYMOND:

25 Yes, Your Honor.

77

RELEASED PER P.L. 102-628 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: NSCA (RG 233)

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/23/13

Reference copy, JFK Collection: ESCA (RG 233)

1 MR. ALCOCK:

2 Your Honor --

3 THE COURT:

4 Gentlemen, I understand the status of the  
5 case as of this moment is that Xerox  
6 copies, that the State has the copies,  
7 the Defense has copies, and a copy  
8 has been given to the witness to read  
9 and it is about five minutes to 12:00  
10 and the agents are here and I will  
11 ask Mr. Russo to continue reading  
12 this statement during the noon re-  
13 cess.

14 Gentlemen, I am going to turn you over to  
15 the Sheriff's representative and I  
16 must admonish you one more time not to  
17 discuss the case amongst yourselves  
18 until it is finally given to you for  
19 decision.

20 (Whereupon, a luncheon recess  
21 was taken.)

22 AFTER THE RECESS:

23 THE COURT:

24 Is the State and Defense ready to proceed?

25 MR. DYMOND:

We are ready.

MR. ALCOCK:

We are ready.

THE COURT:

Have Mr. Russo retake the witness stand.

PERRY RAYMOND RUSSO,

having been previously sworn, resumed the stand for  
a continuation of

DIRECT EXAMINATION

THE COURT:

Your previous oath is still binding. You  
may proceed.

BY MR. ALCOCK:

Q Now, Perry, prior to the recess for lunch, you  
were given a statement allegedly prepared  
by Andrew Sciambra of the District Attorney's  
Office. Have you had occasion to read  
that statement in its entirety?

A Yes.

Q You have that statement with you at this time?

A I do.

Q Now, Perry, before asking you questions relating  
to that memorandum, let me ask you if you  
recall on what date Mr. Sciambra inter-  
viewed you.

79

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: HSCA (RG 233)

1 A That was on a Saturday, February 27th, which is 30  
2 correct.  
3 Q Would that have been the date that was prepared?  
4 A February 25th was Saturday and this was prepared  
5 on the 27th, excuse me.  
6 Q Apparently, and I realize this is only an  
7 approximation, but how long did Mr. Sciambra  
8 speak with you?  
9 A Two hours, two and a half hours.  
10 Q During the course of this interview did you  
11 notice Mr. Sciambra taking notes?  
12 A He had a yellow, a yellow legal pad and a couple  
13 of little scribbles but no, not no notes.  
14 Q Would it be a fair statement to say --  
15 MR. DYMOND:  
16 I object to the form of this question.  
17 MR. ALCOCK:  
18 I haven't asked the question.  
19 MR. DYMOND:  
20 But you are about to. You are asking him  
21 whether something would be a fair state-  
22 ment which is extended to leading.  
23 BY MR. ALCOCK:  
24 Q Did Mr. Sciambra take down to your knowledge  
25 everything you told him?

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA Date 11/27/22

Reference copy, JFK Collection: EGCA (RG 233)

1 A No. He took down very little of what we  
2 talked about.

3 Q Again, Perry, referring to the statement you  
4 have had an opportunity to read and does  
5 that statement reflect everything you told  
6 Mr. Sciambra on that occasion?

7 A No.

8 Q Referring once again to that statement, does  
9 that statement reflect accurately that  
10 portion of your conversation with Mr.  
11 Sciambra that is recorded here? Does it  
12 reflect it completely accurately?

13 A It, there is omissions and also some incorrect  
14 statements.

15 Q Perry, at any time subsequent to this interview  
16 did you have occasion to tell anyone that  
17 that memorandum was not complete or totally  
18 accurate?

19 A I had several occasions. One occasion was with  
20 Mr. James Phelan of the Saturday Evening  
21 Post. At that time I pointed out several  
22 glaring errors in the transcript.

23 Q Perry, referring again to the memo, and you have  
24 had an opportunity to read it, can you tell  
25 the Court now what omission you are talking

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 11/28/93

Reference copy, JFK Collection: ESCA (Rg 233)



RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: NSCA (RG 233)

about or omissions?

A You want to go down sentence by sentence?

MR. DYMOND:

We object unless the document is first  
read to the Jury and we will be glad  
to join the State in the offer in  
evidence.

MR. ALCOCK:

I don't think it is necessary, but I don't  
think, I don't think there is a predi-  
cate --

MR. DYMOND:

The question is: What is left out and the  
Jury doesn't know what is left out if  
they don't know what is in it.

THE COURT:

I think your objection is well taken, Mr.  
Dymond. If there is no objection on  
the part of the State or the Defense,  
let it be introduced.

MR. ALCOCK:

I will read it to the Jury on introduction,  
Your Honor.

BY MR. ALCOCK:

Q \* Mr. Russo, let me just lay a proper predicate.

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: HSCA (RG 233)

1 Have you made any notations on the copy of  
2 the memorandum that you have?  
3 A A couple of notations.  
4 MR. ALCOCK:  
5 I think it would be more proper to use mine  
6 as I have no notations.  
7 MR. DYMOND:  
8 Yes, I agree with you.  
9 MR. ALCOCK:  
10 And in connection with the testimony of  
11 this witness, the State offers to  
12 file and introduce in evidence, having  
13 marked for purposes of identification,  
14 State 20.  
15 MINUTE CLERK:  
16 State 20.  
17 MR. ALCOCK:  
18 Would that be correct?  
19 MINUTE CLERK:  
20 Yes.  
21 MR. DYMOND:  
22 We will join in the offer.  
23 MR. ALCOCK:  
24 Mark it State and Defense 20 and I would  
25 ask at this time permission of the

1 Court to read the statement to the  
2 Jury.

3 THE COURT:

4 You may so do.

5 MR. DYMOND:

6 Your Honor, in view of the fact that this  
7 is a joint offering, I will ask that  
8 the Court read it to the Jury.

9 THE COURT:

10 I think Mr. Alcock's voice is better than  
11 mine.

12 MR. ALCOCK:

13 Is it all right if I use this microphone?

14 THE COURT:

15 Certainly.

16 MR. ALCOCK:

17 This document is entitled Memorandum and  
18 dated February 27, 1967 to Jim  
19 Garrison from Andrew J. Sciambra.  
20 It's re the interview with Perry Raymond  
21 Russo, 311 East State Street, Baton  
22 Rouge, Louisiana.

23 NO HIATUS HERE.  
24  
25

1 "On February 25, 1967, I interviewed  
2 Perry Russo at the above-mentioned  
3 address. Russo was very co-operative  
4 and said that he was glad to see me as he  
5 had been hounded to death by the local  
6 news media. He said that he would give  
7 us all the help that he possibly could,  
8 and that he would furnish us with names  
9 of individuals who could be most helpful  
10 to us in our investigation.

11 "He said that one of these persons is  
12 Al Landry who lives in Gentilly. He said  
13 that Ferrie was 'in love' with Landry.  
14 He says in 1962 (the approximate month  
15 he cannot remember but he says that it  
16 can be ascertained through Landry's  
17 mother) he went to Landry's house to try  
18 to locate him. He was told at time to  
19 time by Landry's mother that Ferrie had  
20 taken Landry out of the country and that  
21 she did not know where they were. Russo  
22 told me later on in the interview that  
23 Ferrie had taken Landry out of the country  
24 twice and this was the first trip. He  
25 said that later on he found out that

85

RELEASED PER P.L. 108-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: NSCA (RG 233)

1 Ferrie had taken Landry to Canada and to  
2 Mexico.

3 "Russo said that he and Landry and a  
4 small group of other boys used to always  
5 pal around together and that it was common  
6 knowledge to everyone that Ferrie was a  
7 homosexual and Russo and his buddies were  
8 trying to alienate Landry from Ferrie.  
9 Russo said that Landry had some strange  
10 fascination for Ferrie and was greatly  
11 impressed by Ferrie's intelligence. He  
12 says that he is sure that Ferrie had  
13 Landry under some sort of spell from time  
14 to time. He said that what proved this  
15 to him was that in 1962 Landry took him  
16 to Ferrie's apartment out in Kenner and  
17 Ferrie was having a meeting with about  
18 eight or ten young boys who were in the  
19 Civil Air Patrol. Ferrie's mother was  
20 at the meeting and Ferrie introduced his  
21 mother to Russo. Russo said that he went  
22 to the meeting because Landry had told him  
23 that Ferrie was a great hypnotist and at  
24 this meeting Ferrie would demonstrate some  
25 of his hypnotic powers.

86

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 "Russo said that Landry could furnish  
2 us with the names of all the people who  
3 were at the meeting and he could also fur-  
4 nish us with a lot of information about  
5 Ferrie for he and Ferrie put on a hypnotic  
6 demonstration and used Landry as his  
7 subject. He said that Ferrie stuck pins  
8 in Landry's body and Landry would not feel  
9 any pain. He said Ferrie gave a very long  
10 lecture on hypnotism and post-hypnotic  
11 suggestions and demonstrated his power by  
12 using Landry as his subject. After the  
13 demonstration Ferrie showed him and Landry  
14 five diplomas that he had and said that he  
15 had received his Ph.D in two of these  
16 subjects. He also had various pieces of  
17 machinery in his attic and surgical equip-  
18 ment and bones which he doesn't know if  
19 they were human or animal.

20 "Russo said after the meeting he and  
21 Landry went home and he did not see  
22 Ferrie for a while. He said a little while  
23 later on he went to Landry's house to talk  
24 with him and Landry's mother told him that  
25 Ferrie had again taken her son out of the

88

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA 21 DATE 11/23/93

Reference copy, JFK Collection: ASCA (RG 233)

country. She told Russo that in her opinion Ferrie was a very strange and weird individual and that she had often told her son to stay away from him but that her son would not listen to her. She said that it was as if Ferrie had some strange power over her son. She asked Russo to help her to try to alienate her son from Ferrie. Russo said that he would try and do this.

"Russo said that the next time he saw Ferrie was a few weeks later when he was standing on the corner of Decatur and Canal with a friend of his by the name of Niles Peterson who presently drives a Yellow Cab No. 792. Ferrie, Landry, and a Spanish guy or Cuban guy with a beard who could speak no English and six or eight kids in khaki uniforms passed them on the street. He said the Cuban fellow was in green fatigues. He said Ferrie and Landry told him hello and Ferrie kept walking with the group, however, Landry stopped for a moment and told him that they were going somewhere but that he would get in touch

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with him in a few days. Russo asked  
Landry where had he been, and Landry told  
him that Ferrie and he had been to Mexico.

NO HIATUS HERE

89

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)



RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

90

1 In a few days Russo contacted Landry and  
2 told him that his mother did not like  
3 Ferrie and that everyone knew that  
4 Ferrie was a homosexual and that he did  
5 not think that he should be associating  
6 with Ferrie. Landry said that he would  
7 think about breaking off his relationship  
8 with Ferrie but that it would be difficult.  
9 He said that Ferrie was teaching his group  
10 the art of fighting jungle warfare and  
11 that Ferrie's plan was to help liberate  
12 the South American countries. He said  
13 that Ferrie often referred to wiping out  
14 the rest of the Batista gang in Cuba.  
15 Russo said that he and several of his  
16 cousins all began to 'bug' Landry about  
17 Ferrie, the CAP, jungle warfare, and the  
18 liberation of the South American countries.  
19 He said that eventually got to Landry and  
20 Landry began seeing Ferrie not as much as  
21 he normally would have.

22 "Russo said that one night he and  
23 Landry and Tim Kershenstine, who lives on  
24 2061 Pelopidas, phone number 943-8490, and  
25 possibly Niles Peterson were in the

Reference copy, JFK Collection: ESCA (RG 233)

-2

1 Interlect which is located on Bourbon  
2 Street and they ran into Dave Ferrie.  
3 Ferrie said that he would like to talk  
4 with Landry privately and Russo told  
5 Ferrie that whatever he had to say to  
6 Landry he should do it in front of every-  
7 body. Russo then told Landry to tell  
8 Ferrie to take a walk and that he didn't  
9 want to be involved with him any more.  
10 Landry then told Ferrie that he wanted  
11 to break off his relationship. Ferrie  
12 then told Landry that he would talk to him  
13 about it later and he then turned to  
14 Russo and told him that either he or one  
15 of his men would kill him for what he had  
16 done to him and Landry. Russo told Ferrie  
17 to just get away and stay away from Landry  
18 because he was no good for Landry. He  
19 said that Landry had told him that Ferrie  
20 used to hypnotize him and give him post-  
21 hypnotic suggestions. He also said that  
22 Ferrie eventually confessed to him that he  
23 used hypnosis for sexual purposes.  
24 Russo said that after this incident  
25 on Bourbon Street he said that he did not

91

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 see Ferrie for about six months and that  
2 one day he was driving his car on the  
3 Veterans Highway and that he noticed that  
4 he was starting to get a flat tire. He  
5 pulled his car into a service station and  
6 told the two young kids who were working  
7 there that he wanted to change his tire.  
8 About this time Dave Ferrie came up to  
9 him and tapped him on the shoulder and  
10 told him hello and asked him where he had  
11 been as he had not seen him for some time.  
12 Russo then said that they exchanged  
13 casual remarks and pleasant conversation.  
14 Russo said that Ferrie was either the  
15 owner or the manager of this service  
16 station. He said that Ferrie then left  
17 and sat in a white or very light colored  
18 compact car and began talking with the  
19 individual in the front seat. Russo said  
20 that he then pulled his car right alongside  
21 of this compact car and that he looked at  
22 Ferrie and the individual that he was  
23 talking to in the front seat several times  
24 while he was waiting there for his car.  
25 After the car was fixed and he was about

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: NSCA (RG 233)

to leave the station Ferrie asked him where was he staying because he wanted to come over and talk with him about a few business deals. Russo told him the address and said that a short while thereafter Ferrie came to his apartment. He said Ferrie brought over to the apartment some pornographic film that he had and that he wanted Russo to sell it for him. Ferrie told him that he had just returned from Cuba and that he could get all of this kind of film that he wanted. He said that he could get more film out of Cuba very easily and if Russo could sell the film for him they could all make money. He said that he would have to get \$150.00 a roll for the film because it was pretty risky going in and out of Cuba. Russo said the film consisted of one man and one woman and that the story was essentially that of a woman cheating the man in a game of cards and the man eventually beating her up and raping her for doing so. He said the man in the picture was either Spanish or Cuban, looked

93

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NARA DATE 11/23/93

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RELEASED PER P.L. 102-586 (JFK ACT)  
NARA SP1 DATE 11/23/93

1 to be strong and rather husky and had  
2 black hair. He said that he had a patch  
3 over one eye. The girl was an American.  
4 Russo said that he took this film and  
5 sold it to someone who he believes even-  
6 tually sold it to a seaman. (Russo said  
7 that he would try and obtain this film  
8 for us.) He said Ferrie then began com-  
9 ing to his apartment on an average of  
10 twice a week and that one time he came  
11 over to his apartment and told him that  
12 he had been working with chemicals and  
13 studying their effects on the human body.  
14 He said that Ferrie had told him that he  
15 had extensive knowledge about drugs and  
16 mixtures of drugs and how they would  
17 affect the human body. Ferrie showed him  
18 a drug that he said he concocted himself  
19 and that it was very similar to Aphro-  
20 disiac but even better. He said that it  
21 would make a person extremely passionate  
22 and would enable him to forget all of his  
23 inhibitions and obtain a very free and  
24 loose attitude about love and sex. He  
25 said it would also erase any feelings of

Reference copy, JFK Collection: ESCA (RG 233)

C-3-6

1           guilt that a person might have toward  
2           any type of sexual behavior that he might  
3           care to indulge in. He said that Ferrie  
4           told him that he had used this drug with  
5           different friends of his and this is how  
6           they reacted to it. He also admitted to  
7           Russo for the first time that he was a  
8           homosexual and he wanted to know if Russo  
9           would be willing to take the drug. Russo  
10          said that he did not care to take the  
11          drug. Ferrie also told him that he could  
12          get all of the heroin that he wanted but  
13          that he would not fool with it as it was  
14          too hot to handle and that he could  
15          concoct drugs that would serve his purpose.

16                "Russo said that one day he and  
17          Kenny Carter, a colored boy who used to  
18          attend Loyola University and who he  
19          believes attends LSU New Orleans, were in  
20          his apartment on Elysian Fields when  
21          Ferrie came in with two Cubans who were  
22          dressed in green fatigues. One of the  
23          Cubans had a beard and the other one  
24          didn't. Both of them were very strongly  
25          built, had dark complexion and rough

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

7

1 looking. Their faces were extremely tough 96  
2 looking. Russo said that they looked as  
3 if they could bend a bar of steel. He  
4 said that they were around 28 to 35 years  
5 old and that Ferrie introduced them but  
6 he cannot remember their names. He said  
7 that they did not say anything because  
8 they could not speak English. He said  
9 that Ferrie at this time started making  
10 remarks about Cuba and criticizing the  
11 United States. He said the people in  
12 Cuba are starving to death and they have  
13 no medicine and that he blamed the United  
14 States for this. He said that the United  
15 States is a barbaric nation and no nation  
16 as powerful as the United States should be  
17 that barbaric. He also referred to the  
18 two Cubans with him as instructors in the  
19 manly art of jungle warfare. After this  
20 conversation Ferrie and the two Cubans  
21 left.

22  
23 NO HIATUS HERE.  
24  
25

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NARA DATE 12/23/93

Reference copy, JFK Collection: HSCA (RG 233)

"Russo said that he did not see Ferrie again until he went to his Louisiana Avenue parkway apartment with Kenny Carter looking for him. He said that Ferrie was there and he was with a Cuban guy in green fatigues who was younger and not nearly as powerful looking as the other two Cubans. He said that Ferrie introduced him to someone he called his roommate. He said Ferrie mentioned his name but he can't remember it right now. He said the roommate had sort of dirty blond hair and a husky beard which appeared to be a little darker than his hair. He said the guy was a typical beatnik, and extremely dirty, with his hair all messed up, his beard unkept, a dirty T-shirt on, and either blue jeans or khaki pants on. He said he wore white tennis shoes which were cruddy and had on no socks. He said the roommate appeared to be in his middle Twenties. Russo said that he went to Ferrie's apartment about five or six times and he can remember seeing the roommate about two or three times. He said that

97

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NARA

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1 the roommate never talked to anybody. As 98  
2 soon as anyone would come into Ferrie's  
3 apartment the roommate would get up and  
4 leave and go into another room by himself.  
5 Russo said that one day he tried to make  
6 conversation with the roommate by asking  
7 him where he was from and the roommate  
8 told him from everywhere and so he didn't  
9 try to talk to him any more because he  
10 appeared to be a real "punk." He mentioned  
11 this to Ferrie and Ferrie told him not to  
12 worry about it because he was a funny guy  
13 and he didn't like to talk to anybody and  
14 all he did was sit down on the porch in  
15 the dark and think and read books all the  
16 time.

17 "Ferrie told Russo that he had tried  
18 the Aphrodisiac drugs on his roommate and  
19 it worked perfectly. He said that he and  
20 his roommate laid in bed naked and he gave  
21 the drug to his roommate and his roommate  
22 became very passionate and aggressive and  
23 had intercourse with Ferrie. He said that  
24 after this was over the roommate had no  
25 recollection of what he had done. He said

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NARA 31  
DATE 23 / 93

Reference copy, JFK Collection: ESCA (RG 233)

RELEASED PER P.L. 108-626 (JFK ACT)  
NARA DATE 11/23/23

Reference copy, JFK Collection: ESCA (RG 233)

1 that his roommate was a perfect subject  
2 for this. He also said that his roommate  
3 did not get along with his Cuban friends  
4 and that this is the reason why Russo never  
5 saw the roommate with any of the Cubans or  
6 with anybody else for that matter. Russo  
7 said that as soon as he would walk into  
8 the apartment, the roommate would walk out  
9 without saying a word. Ferrie repeated  
10 that these Cubans who were coming to his  
11 apartment were jungle fighters and would  
12 help liberate South America.

13 "Russo said that he believed that  
14 Kershenstine, Kenny Carter, and maybe Niles  
15 Peterson, and Landry would know more about  
16 the roommate and be able to recognize him.  
17 Russo said that it would be hard for him to  
18 pinpoint the time right now but that he  
19 knew that this was in 1963 and he believed  
20 it was somewhere between May and October.

21 "Russo said that during the summer of  
22 1963 Ferrie became obsessed with the idea  
23 that an assassination could be carried out  
24 in the United States very easily if the  
25 proper amount of planning was made. Every

time Russo talked to Ferrie he told him more and more about how he was the kind of person who could successfully plan an assassination. Russo said that he never referred directly to J.F.K. and always used the President of Mexico or President Eisenhower as an example. Ferrie asked him, 'How many times do you remember seeing Eisenhower riding in an open-top automobile exposed to everyone without any protection whatsoever?' He said the limousine usually drives around ten miles an hour and frequently stops at different points. Therefore, it would be extremely easy to shoot somebody. Ferrie said that the whole key to a successful assassination would be the availability of exit and the use of the mass confusion that would result from such a plot. Ferrie said that one person of a small group of people could sit down and plan the whole thing out and get out of the country after it was over before anybody knew what was going on. He said that he was the key to the availability of exit as he could jump into any plane under

100

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NARA 31 DATE 11/23/93

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the sun and fly it out of the country to a place that would not extradite, such as Cuba or Brazil. He said even if for some reason the availability of exit were blocked the people could still escape by making use of the mass confusion that would erupt. He said that he was sure that he could plan the whole thing very easily. Russo said that they got into many discussions about Ferrie's idea on how easy an assassination would be and Russo said that many times he told Ferrie that it would not be as easy as he thought. Russo said that he remembered once going to the Nashville Street Wharf to hear J.F.K. make a speech and he remembers that he saw a Secret Service man guarding the President every five or ten feet. Russo said that he knew that these were either Secret Service men or F.B.I. men because these were the only people not facing J.F.K. when he was talking. These people were looking into the crowd watching for any suspicious activity. Ferrie said that all of these complications could be worked out with the proper amount

101

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 of planning. Ferrie said that a person  
2 could use the mob confusion to help him  
3 get away but that the person should not  
4 make the mistake of getting messed up in  
5 the crowd. Ferrie also said that another  
6 way that an assassination could be success-  
7 fully carried out would be through someone  
8 very intimate to the White House who had  
9 sophisticated knowledge of medicine and  
10 chemicals and how they would cause the  
11 human body to react. He said with all the  
12 knowledge he had of medicine and its re-  
13 action in relationship to the human body  
14 he was sure that he could commit a perfect  
15 murder and no doctor in the country and no  
16 autopsy report in the country could detect  
17 it.

18 "Ferrie said that he had extensive  
19 knowledge of medicine and chemicals and  
20 their effects on the human body. Ferrie  
21 said that he knew that the Coroner and  
22 doctors"-- I read that wrong. I'm sorry --  
23 I will read it over -- "Ferrie said that  
24 he knew what the coroner and doctors look  
25 for when they made their autopsy report,

102

RELEASED PER P.L. 102-536 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 and as a result of what they would find  
2 they would have to say that the death was  
3 a result of natural causes.

4 "Ferrie said that one thing that had  
5 to be remembered was not to physically  
6 disturb the apartment or the house because  
7 if the furniture was messed up it may cause  
8 some suspicion as to the cause of death  
9 and further inquiry might result. He said  
10 murders are committed every day, that  
11 stupid doctors and coroners term natural  
12 deaths. Ferrie said that he knew of a type  
13 of drug which once it got into the blood  
14 stream would cause physical reaction that  
15 would result in extensive brain damage or  
16 blood clot and eventual death. He said  
17 the physical reaction to this drug would be  
18 such that no doctor in this country would  
19 call it anything but a natural death. He  
20 said the chemical involved would dissipate  
21 without leaving any trace at all and the  
22 autopsy would say something like 'Blood  
23 clot.'

24 "Russo said that in September and  
25 October of 1963, Ferrie got worse in his

103

RELEASED PER P.L. 102-636 (JFK ACT)  
NARA DATE 11/29/93

Reference copy, JFK Collection: ESCA (RG 233)

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 11/23/93

104

speeches about an assassination. He said that for the first time since he began talking about assassinations he began making direct references to J.F.K. Ferrie told Russo on several occasions that, 'We will get him.' (Meaning J.F.K.) And that 'It won't be long'. Russo said that he hasn't spoken with Ferrie since the assassination.

"I then pulled out some pictures and I began to show Russo the pictures asking him whether or not he could identify anyone in the pictures. He picked out three people. I did not disclose the names of any of the people whose pictures I showed him. I merely said, 'Do you know or recognize any of these people?' The first person he picked out was Arcacha Smith and he says that Arcacha looks very much like the Cuban in the pornographic film that Ferrie brought to his apartment and which he sold to a seaman. He then called his brother, Steve, over to look at Arcacha's picture and asked him if that face was familiar to him, and his brother, Steve, said, 'Yes, it

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1 looks like the guy in the film.' Russo  
2 said he recognized the face because, 'To  
3 be perfectly honest I looked at the film  
4 quite a bit.' At this point he asked me  
5 if anything he was telling me would be used  
6 against him. I assured him that it  
7 wouldn't. The next picture that he identi-  
8 fied was that of Clay Shaw. He said that  
9 he saw this man twice. The first time was  
10 when he pulled into Ferrie's service station  
11 to get his car fixed. Shaw was the person  
12 who was sitting in the compact car talking  
13 with Ferrie. He remembers seeing him again  
14 at the Nashville Street Wharf where he went  
15 to see J.F.K. speak. He said he particularly  
16 remembers this guy because he was apparently  
17 a queer. It seems that instead of looking  
18 at J.F.K. speak, Shaw kept turning around  
19 and looking at all the young boys in the  
20 crowd. He said that Shaw eventually struck  
21 up a conversation with a young kid not too  
22 far from him. It was perfectly obvious to  
23 him that Shaw stared at his penis several  
24 times. He said that Shaw eventually left  
25 with a friend. He said that Shaw had on



1 dark pants that day which fit very tightly  
2 and was the kind of pants that a lot of  
3 queers in the French Quarter wear. Shaw  
4 had on a corduroy type jacket which was  
5 black with white stripes. The third  
6 picture that Russo identified was that of  
7 Lee Harvey Oswald. When he looked at the  
8 picture he began shaking his head and said  
9 that he doesn't know if he should say what  
10 he's thinking. I told him to go on and  
11 tell me what was on his mind and that we  
12 would accept this in relationship to all  
13 the information we had and it may not be  
14 as wild as he thinks it is. He then said  
15 that the picture of Lee Harvey Oswald was  
16 the person that Ferrie had introduced to him  
17 as his roommate. He said the only thing  
18 that doesn't make him stand up and say that  
19 he is sure beyond the shadow of any doubt  
20 is the fact that the roommate was always  
21 so crutty and had a bushy beard. He then  
22 drew a beard on the picture of Oswald and  
23 said this was Ferrie's roommate. He sug-  
24 gested that I put a beard on Oswald and not  
25 say who it was and show the picture to

106

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1           Kenny Carter, Landry, Kershenstine,  
2           Peterson, and maybe a few of the people  
3           in Ferrie's CAP unit who may have been  
4           up to his apartment. Russo was sure that  
5           they would say that that was Ferrie's  
6           roommate. He also said that we might show  
7           the picture to Robert Lemoyne, who lives  
8           in the vicinity of Nicholls High School  
9           as he was in contact with Ferrie around  
10          that time. Russo said the more we talk  
11          the more comes back to me and he said that  
12          the name Leon really rings a bell. He also  
13          said that if he were hypnotized he may have  
14          total recall on names and places and dates.  
15          He said that he had been hypnotized like  
16          this before and it had helped him to recall  
17          and that he would do it for us"-- I'm sorry,  
18          I read that wrong -- I'll read that again --  
19          " -- that he would be glad to do it for us.

20                 "Russo told me that he now works at  
21                 the Equitable Insurance Company in Baton  
22                 Rouge, Phone Number 926-5300. He said that  
23                 the best time to reach him would be around  
24                 9:30 in the morning or 4:30 in the after-  
25                 noon Monday through Friday. He says that

1 on the weekends he usually leaves town  
2 mostly coming to New Orleans. I told  
3 him that we would be in touch with him."  
4 That completes the statement.

5 (Whereupon, a recess was taken.)

6 THE COURT:

7 Before you proceed, Mr. Alcock, I have two  
8 statements I wish to make.

9 No. 1, at the request of the news media,  
10 I would, at 3:00 o'clock take a five-  
11 minute recess.

12 No. 2, the State and the Defense have  
13 spoken to me several times concerning  
14 the question of whether we will or  
15 will not hold Court February 18th,  
16 tomorrow one week.

17 It has been pointed out to me by both State  
18 and the Defense of the great problems  
19 witnesses would have in transportation  
20 in the City, particularly those people  
21 coming in from out of town and at  
22 their suggestion, although I previously  
23 stated that I would work Mardi Gras  
24 Day, at their request we will not work  
25 Carnival Day and I am making that de-

109

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/23/93

1 cision on the request of both State  
2 and Defense.

3 You may proceed, Mr. Alcock.

4 BY MR. ALCOCK:

5 Q Now, Perry, did you follow me during the course  
6 of that reading of your statement?

7 A Yes, sir.

8 Q Have you the statement with you now?

9 A Yes.

10 Q Referring to the statement, are there any  
11 inaccuracies in the statement?

12 A Several.

13

14

15

16

17

NO HIATUS HERE.

18

19

20

21

22

23

24

25

Reference copy, JFK Collection: ESCA (RG 233)

1

1 Q Would you tell me what the first one you have  
2 noted is?

3 A Page 1, paragraph 2 the sentence reads, part  
4 of it does,, "He went to Landry's house to  
5 try to locate him and he was told at that  
6 time by Landry's mother that Ferrie had  
7 taken Landry out of the country." I'm  
8 not sure that is essentially what was  
9 said. This is essentially what was said,  
10 out of the country to Canada, Mexico,  
11 Cuba, but she didn't exactly know where  
12 and probably he was taking her son along  
13 with him and that is what she said.

14 Q Going down further do you note any other?

15 A Not offhand on page 1.

16 Q On the following page?

17 A On page 2 you have to go back up to page 1,  
18 "After the demonstration," it's right at  
19 the bottom, "after the demonstration  
20 Ferrie showed him and Landry five diplomas  
21 that he had and said that he had received  
22 his Ph.D in two of these subjects." Now  
23 these I don't recall him showing Landry  
24 that, it would have been repetitious and  
25 I am sure he showed them to Landry before

110.

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/23

Reference copy, JFK Collection: ESCA (RG 233)

1 and I don't think I said that to Sciambra  
2 in Baton Rouge.

3 Q Any others?

4 A On the last paragraph of page 2 "Russo said  
5 that one night he and Landry and Tim  
6 Kirshenstine, who lives on 2061 Pelopidas,  
7 phone number 943-8490 and possibly Niles  
8 Peterson were in the Interlect," and I  
9 don't think I called it the Interlect, I  
10 think I said a bar and some sort of penny  
11 arcade was next to it. Peterson, Landry,  
12 and myself were there at that time. I  
13 may have told Sciambra, I think it is  
14 called the Interlect now.

15 Q Continue on.

16 A Where it says "He also said that Ferrie even-  
17 tually confessed to him --"

18 MR. DYMOND:

19 Where is that?

20 THE WITNESS:

21 At the bottom of the paragraph -- "He  
22 also said that Ferrie eventually  
23 confessed to him that he used hypnosis  
24 for sexual purposes. Ferrie never  
25 said that.

1 BY MR. ALCOCK:

2 Q Never did what?

3 A Used hypnosis for sexual purposes.

4 Q Did you tell Sciambra he did or did not?

5 A Probably I made a deduction to that effect but

6 I don't think I said it and said that

7 Ferrie said it.

8 Q On page 3 it says right towards the top of the  
9 first paragraph: "He said that one day he

10 was driving his car on the Veterans High-

11 way and he noticed that he was starting

12 to get a flat tire." At that time, and

13 even to today, I am not sure of what the

14 trouble was, whether I was getting a flat

15 tire or a battery. I testified a few

16 moments ago I thought it was battery that

17 had discharged and I'm not sure whether it

18 was one or the other.

19 Q What about anything else?

20 A That flat tire?

21 Q About that service station.

22 A No, everything else is essentially about right

23 except that down towards the middle "he

24 said that he would have to get \$150.00 a

25 roll for the film." I don't think I said

112

RELEASED PER P.L. 108-626 (JFK ACT)  
NARA DATE 11/13/93

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1 that and I don't know where the 150 came  
2 out, that price.

3 Further on in the paragraph about  
4 midway down: "Russo said he took this  
5 film and sold it to someone who he be-  
6 lieves eventually sold it to a seaman."  
7 No, that is a misunderstanding that  
8 Sciambra had. I took the film and a guy  
9 asked me would I sell it to him and I did  
10 and he also was a seaman in Baton Rouge.

11 Q Go ahead.

12 A Towards the bottom of that paragraph further  
13 "He also admitted to Russo for the first  
14 time that he was a homosexual and wanted  
15 to know if Russo would be willing to  
16 take the drug." Ferrie never admitted  
17 that.

18 Q He never admitted what?

19 A That he was a homosexual.

20 Q Did you tell, or do you recall having told  
21 Sciambra that?

22 A There was a lot of discussion along those lines  
23 and probably it was a conclusion but who  
24 said it, but Ferrie never said it and I  
25 am sure of that.



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114

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 2/2/93

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In the next paragraph "Russo said one day he and Kenny Carter, a colored boy who used to attend Loyola University and who he believes attends Louisiana State were in his apartment on Elysian Fields when Ferrie came in with two Cubans who were dressed in green fatigues. That was a deduction on my part as Kenny Carter used to play basketball for Xavier and as the time, probably around this time he was either going to Loyola or L.S.U. because he went to both.

There were several other friends and they had basketball teams and we merged and played games at Rosenwald Gymnasium and several others around town in competition. We used to play against Kenny Carter and I don't believe I said that Kenny Carter was there but that possibly he might remember some of these guys.

Q You find any other discrepancies?

A The essence of that next paragraph is confusing to me. We went into a discussion on Ferrie's opinions about Cuba --

MR. DYMOND:

What page is this?

115'

THE WITNESS:

Page 4 and the paragraph begins with the part about Kenny Carter, you know on page 3, and where it begins, is that right?

BY MR. ADCOCK:

Q Yes.

A And the essence of that paragraph sort of sloughs over some of the things Ferrie said but some are crucial and it says there that I mentioned Batista, that Ferrie had mentioned Batista, but what I said was that Ferrie talked at great length, and I went into some of these details and probably this was confusing to him.

Ferrie talked at great length about Che Guevara of Cuba and Raoul Castro. Raoul he wasn't too hot about and this is what I told Sciambra and I said that Che Guevara though he was extremely powerful and he figured, and which is not included on here, but we went into a lot of detail of why and he figured that

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NARA DATE 11/23/93

Reference copy, JFK Collection: NSCA (Pg 233)

1 Guevara would probably be the next replace-  
2 ment for Castro since Castro had served  
3 some purpose and that Guevara would take  
4 his place and I don't see Che Guevara's  
5 name here at all.

6 Q Anything else?

7 A The next paragraph, same page 4 where it says  
8 "Russo said that he did not see Ferrie  
9 again until he went into his Louisiana  
10 Avenue Parkway Apartment with Kenny Carter  
11 looking for him." No, that is incorrect.

12 Q In what way?

13 A Essentially again I probably went with Kenny  
14 Carter, I'm not sure of that but I'm al-  
15 most sure that I told Sciambra that in  
16 Baton Rouge that Kenny Carter was around  
17 me in several capacities and I would not  
18 say that was the next time I saw Ferrie  
19 was when I went with Kenny Carter to  
20 the Louisiana Avenue Parkway Apartment.

21 Q Perry, was Kenny Carter with you when you met  
22 Ferrie's roommate?

23 A To my recollection there was nobody with me the  
24 first time I met his roommate.

25 Q This would be incorrect?

117

RELEASED PER P.L. 108-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 A Possibly the confusion is that Kenny Carter's  
2 name was mentioned parallel with all of  
3 this.

4 Q Go ahead.

5 A Toward the middle of the paragraph "Ferrie  
6 mentioned his name but he can't remember  
7 it right now. He said the roommate had  
8 sort of dirty blond hair and a husky  
9 bear which appeared to be a little darker  
10 than his hair." A couple of things are  
11 not exactly right. The dirty blond hair  
12 and husky beard, exactly what I said, but  
13 I did mention husky trying to pick the  
14 right word to represent his facial growth  
15 classification but his hair was not dirty  
16 blond but more brown or black and the  
17 husky beard --

18 Q In what respect would it be inaccurate, refer-  
19 ring to the husky beard, what respects  
20 would that be inaccurate?

21 A Well, when I talked with Sciambra I told him  
22 this guy had a growth of beard, call it a  
23 beard, and I didn't use the word husky.  
24 It was a growth of beard and he was dirty  
25 and probably at one time husky came in

1 the conversation but it was possibly when  
2 I was pulling for a name or some type of  
3 adjective and to this day I haven't found  
4 the right adjective to describe the beard.

5 Q Now, Perry, anything else?

6 A All right. Uh, it was the middle of that  
7 paragraph on page 4, "He mentioned this  
8 to Ferrie and Ferrie told him not to  
9 worry about it because he was a funny guy  
10 and he didn't talk to anybody, all he did  
11 was sit down on the porch in the dark and  
12 think and read books all the time."  
13 No. When I first arrived, the first time  
14 I ever saw the roommate he was on the  
15 porch as I drove up rocking, and at that  
16 time it was at night and he was rocking  
17 on a rocking chair or sitting up there  
18 and that to me is apparently a pensive  
19 person. Ferrie did tell me he was not  
20 very talkative, not very social and did  
21 read a lot.

22 Q All right.

23 A "He also said that his roommate did not get  
24 along with his Cuban friends." I said  
25 to Sciambra that Oswald and I didn't get

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NARA DATE 11/28/23

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1 along and Oswald to me was a peculiar  
2 bird 'cause he seemed to me to pick and  
3 choose who he would get along with and  
4 it wasn't just a blanket putting out all  
5 Cubans because some people he'd get along  
6 with and some people he didn't.'

7 Further on: 'Ferrie repeated that  
8 these Cubans who were coming to his  
9 apartment were jungle fighters and would  
10 help liberate South America.' "

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17 NO HIATUS HERE  
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This for sure, Sciambra will remember  
this, --

MR. DYMOND:

We object to what the witness thinks  
Mr. Sciambra will say.

THE WITNESS:

I went into an explanation at that time  
telling him as to what I thought  
constituted, that everything out of  
the United States was South America  
in the Western Hemisphere except  
Canada which would have included  
Nicaragua, or Guatemala or Panama  
and I made this point to him in Baton  
Rouge, that all of these were South  
American countries to me although  
they were technically not.

BY MR. ADCOCK:

Q Would Cuba be South America?

A Canada would be North America but Guatemala,  
Panama and the rest would be South  
America.

Q All right.

A "Russo said that he believes that Kerstenstine,  
Kenny Carter and maybe Niles Peterson, and

120

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NARA DATE 11/23/93

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1 Landry would know more about the roommate  
2 and be able to recognize him. Russo said  
3 that it would be hard for him to pinpoint  
4 the time right now but that he knew that  
5 this was in 1963 and he believes it was  
6 somewhere between May and October.

7 The essence of the paragraph and the  
8 bottom sentence is incorrect. The whole  
9 episode of Ferrie's stuff was between May  
10 and October, the end of school and the  
11 beginning of school and essentially and  
12 although this seems to give off the  
13 impression that it was not that time,  
14 this particular thing contained in that  
15 paragraph, it is not so.

16 Then on page 5 where it says that  
17 Ferrie also talked, and I told Sciambra  
18 this in Baton Rouge, also talked about a  
19 poisoning of a person that you wanted to  
20 execute --

21 THE JUDGE:

22 What part of page 5?

23 THE WITNESS:

24 I'm trying to find the place but it is an  
25 omission and it would be part of

1211

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NARA DATE 11/28/83

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page 5, about killing a President, and  
they were not talking about Kennedy but  
they were mentioning Eisenhower or  
Mateos of Mexico and another thing men-  
tioned was the poisoning setup and if he  
knew food and chemicals, he would have  
to know food and chemicals as well that  
he knew he could do this because he did  
and there is an omission and whether he  
did bring it in here I don't know.

NO HIATUS HERE.

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NARA DATE 11/23/93

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The middle of the paragraph -- Russo said "that he remembered once going to the Nashville Street Wharf to hear JFK make a speech and he remembers that he saw a Secret Service man guarding the president every five or ten feet." That was a deduction that was made up in Baton Rouge and they were around there because of that car that came in there, they were around protecting him -- and -- "Russo knew these were Secret Service men or F.B.I. men because they were the only people not facing JFK when he was talking" -- and that again was a deduction and the only person that I saw that was not facing the President, and the only person I noticed because I was in the back, was the Defendant.

Q All right.

A Now this bottom part of this paragraph, talking about the perfect murders and talking about chemicals and Ferrie talking about chemicals that could be injected, and at that time he showed me a series of papers with carbon compounds on them and the

123

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NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 different molecules and so forth and said  
2 that this chemical essentially could  
3 cause a blood clot, and then you see on  
4 the next page "that would result in  
5 extensive brain damage or blood clot and  
6 eventually death." This was not in  
7 relation to President Kennedy but this was  
8 in relation of a perfect murder and this  
9 was about the time I had entered law  
10 school and the last time I saw him and he  
11 brought it up 'cause I was reading a  
12 criminal case about a murder and he  
13 started talking about the perfect murder.

14 "Russo said that in September and  
15 October," and this is page 6 the top  
16 paragraph, "Russo said that in September  
17 and October of 1963 Ferrie got worse in  
18 his speeches about an assassination."

19 Again this is my word, "speeches,"  
20 as I used that and Sciambra didn't -- he  
21 included that and maybe I didn't make a  
22 clear explanation of what I meant.

23 Ferrie wouldn't make speeches but he  
24 would monopolize the conversation and it  
25 was a one-way conversation the whole time

1 and he'd sort of get on a soap box and  
2 start ranting about one thing or another.

3 "Russo said that he hasn't spoken  
4 with Ferrie since the assassination."

5 That is not correct. I don't know how  
6 that got in there. That is at the end of  
7 the paragraph on page 6.

8 Q Page 6?

9 A "The first person he picked out was Arcacha  
10 Smith and he says that Arcacha looks very  
11 much like the Cuban in the pornographic  
12 film." The first person was not Arcacha  
13 Smith, the first person I picked was  
14 Dave, David Ferrie that was picked out in  
15 the photographs.

16 The middle of that paragraph "He then  
17 called his brother, Steve, over to look at  
18 Arcacha's picture and asked him if that  
19 face was familiar to him and his brother,  
20 Steve, said 'Yes, it looks like the guy  
21 in the film.'" The brother of course needs  
22 an explanation. As at that time, this  
23 time I was talking to Sciambra I was in  
24 Baton Rouge but prior to this I had lived  
25 in New Orleans and I don't want to use a

1 used expression but I used to go to Soul  
2 concerts, musicians and everybody was  
3 a soul brother, I don't know if that is  
4 good or bad.

5 Q I didn't understand.

6 A James Brown, Solomon Burke, stuff like that at  
7 the Auditorium and I considered everybody  
8 a soul brother.

9 Q Mr. Darby was not your brother?

10 A Perhaps we are related but not strictly as  
11 brother, no. Towards the middle of the  
12 paragraph the last picture identified was  
13 Clay Shaw. That name was not mentioned  
14 in Baton Rouge at all. He said I saw the  
15 man twice and this was strictly an error  
16 and I pointed that out to James Phalen  
17 and told him this was an error as I saw  
18 him three times, and I didn't say in  
19 Baton Rouge possibly four which would have  
20 been at the Republican Headquarters, I  
21 didn't mention that in Baton Rouge but I  
22 did say three times.

23 Where it says here that the first  
24 time was when I pulled in Ferrie's service  
25 station, this seems to me to indicate

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

127

5 1 something earlier and I know that the  
2 first time I saw him was the Nashville  
3 Wharf and it is possible that I could have  
4 seen him in Republican Headquarters in  
5 the late 50's. I remember seeing him  
6 again at the Nashville Street Wharf when  
7 I was going to see J. F. Kennedy.

8 The continuity is wrong and I didn't  
9 see him at the station first and then go  
10 to the wharf, it is backwards. And I  
11 said down towards the middle two-thirds  
12 of the page that "Shaw had on a corduroy  
13 jacket." I told Sciambra it was a striped  
14 jacket and he offered a couple of things  
15 like corduroy and another style and I  
16 said probably corduroy but I don't know.

17 "The third picture that Russo identi-  
18 fied was that of Lee Harvey Oswald." This  
19 leaves out quite a few other pictures of  
20 Emilios Santos, Arcacha Smith and I think  
21 he mentioned there a third picture but  
22 there were more than three, several more.

23 Towards the bottom again "He indi-  
24 cated the fact that the roommate was always  
25 so cruddy and had a bushy beard. The word

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1 "cruddy," I didn't use that and I might  
2 have said dirty and looked like a beatnik.

3 On page 7 the top line, it starts on  
4 page 6 the bottom line "Robert Lemoyne  
5 who lives in the vicinity of Nichols High  
6 School because he was in contact with  
7 Ferry around that time," -- no, that is  
8 incorrect. It was around the time I left  
9 New Orleans and went to Baton Rouge,  
10 around that time. It is incorrect.

11 Right at the end of that paragraph  
12 he said I had been hypnotized like this  
13 before and that it "helped him to recall  
14 and that he would be glad to do it for us,"  
15 I had stated, and the only two people that  
16 ever attempted seriously was one Ferrie  
17 and I doubt whether he accomplished any-  
18 thing and the other man was Irwin Moreau,  
19 and he said he did and I say he didn't  
20 and that I have never been hypnotized  
21 before and that is not correct.

22 Q Perry, you stated a moment ago that the name  
23 Clay Shaw was never mentioned by either  
24 yourself or Sciambra in Baton Rouge. What  
25 if any name did you give to the picture

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NARA DATE 11/23/93

Reference copy, JFK Collection: HSCA (Rg 233)

of Shaw?

A When I picked the picture up I said I knew him, where I had known him at different places and I said his last name was Bertrand and I had to think about his first name and I think it was Clem as I think the way he was introduced and an argument ensued as to whether it was Clay or Clem and I said Clem, I am sure of it.

Q Perry, did you tell Sciambra about the meeting in Ferrie's apartment in mid-'63 between Ferrie, Oswald and the Defendant?

A At the end -- not at the end of the evening but one hour before he left I talked with Sciambra -- we were talking going over things and he took very few notes and it was a meeting and he was more interested in Dave Ferrie and the quotes about he knows the thing could be done and "We will kill him and it won't be long," but I did mention in the meeting to Sciambra on the 25th, I think it was, the Saturday --

Q Is that Perry the meeting you have related to court and jury today?

129

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)



8

1

A Essentially but not in every great detail and

2

actually there wasn't but a couple of

3

questions after that about it.

4

Q Did you tell, did you tell James Phalen when

5

you spoke with him that you had mentioned

6

this to Sciambra?

7

A I, the meeting lasted for three hours with

8

Phalen in Baton Rouge right after the

9

20th of March, after the preliminary

10

hearing, and I told him distinctly I had

11

not mentioned the party to Sciambra in

12

Baton Rouge and I told him that I called

13

everything a meeting because I was

14

involved with the Republicans to a great

15

extent and I mentioned meeting and all of

16

these guys got around and would be talking

17

about shooting President Kennedy.

18

Q: Perry, prior to your coming down to New Orleans

19

speaking with members of the District

20

Attorney's staff did you know the name or

21

ever hear the name Clay Shaw?

22

A I never heard the name of Clay Shaw and not

23

exactly when in that week, there was so

24

much questioning and answers and after

25

a couple of days in New Orleans and I

130

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NARA DATE 11/28/93

Reference copy, JFK Collection: HSCA (RG 233)

131

RELEASED PER P.L. 108-636 (JFK ACT)  
NARA DATE 12/23/23

1 heard someone mention that was Clay  
2 Shaw's picture.  
3 Q Up until that time Perry, having picked this  
4 picture out, who did you think the person  
5 in it was?  
6 A The same way I identified it in Baton Rouge,  
7 Bertrand.  
8 Q Clem?  
9 A Clem Bertrand.  
10 MR. ALCOCK:  
11 I tender the witness.

NO HIATUS HERE.

Reference copy, JFK Collection: HSCA (RG 233)

CROSS-EXAMINATION

132

1  
2 BY MR. DYMOND:

3 Q Mr. Russo, you are living at 5307 Elysian  
4 fields, are you?

5 A Yes, sir.

6 Q How long have you been living there?

7 A Since December 11, 1968.

8 Q Where did you live prior to that?

9 A 4122 Prytania Street.

10 Q How long did you live there?

11 A Oh, since September of 1967, I mean, let's see,  
12 September of '67, yes, that would be right.

13 Q Now, prior to September of '67, where did you  
14 live?

15 A For six months, 619 North St. Patrick Street in  
16 New Orleans.

17 Q What is your occupation now?

18 A I work with the Great Books of the Western World  
19 as part of the Encyclopedia Britannica.

20 Q A book salesman?

21 A I work in sales and also in training.

22 Q Is it a fact that you were a cab driver up  
23 until a short while ago?

24 A I was a cab driver part time along with the  
25 insurance that I was working -- this was in

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NARA DATE 11/23/93

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'67, all the way until about the middle of '68, at times I worked cabs, on week-ends, also during the week sometimes.

Q Mr. Russo, are you sure this was Mr. Sciambra that you were talking about up in Baton Rouge?

A Andy Sciambra? Yes, he identified himself that way.

Q And you recognize him in the Court now?

A I do.

Q Now, you have pointed out in excess of 25 errors in Mr. Sciambra's memorandum of what he claims that you told him.

MR. ALCOCK:

I object at this time, that may be Mr. Dymond's account, I don't know if the Court made a count, but it might be injecting something that is really not in evidence, I personally did not count them. I don't know if Mr. Russo did or not.

MR. DYMOND:

We can count them here, sir.

THE COURT:

Can't you say there were a number of them,

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NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

134

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/23/93

1 because I can't comment on what Mr.  
2 Russo said, but you can say there were  
3 a number of corrections or whatever  
4 you want to call them.

5 MR. DYMOND:

6 Just a minute, I will get the exact figure.  
7 To be exact, you have pointed out 26  
8 alleged errors.

9 MR. ALCOCK:

10 To be exact on each calculation, Mr. Dymond's  
11 arithmetic is in some question.

12 MR. DYMOND:

13 If we have seen fit to count them, if the  
14 State wants to dispute them, I want to  
15 know what their count is.

16 THE COURT:

17 Can't you say there are a number?

18 MR. DYMOND:

19 We know there were 26, sir.

20 THE COURT:

21 Mr. Alcock says they may be corrections and  
22 not admitted errors.

23 MR. DYMOND:

24 Suppose I say approximately 26.

25 MR. ALCOCK:

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135

RELEASED PER P.L. 108-628 (JFK ACT)  
NARA DATE 11/23/93

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1 Yes.

2 MR. DYMOND:

3 We will compromise.

4 BY MR. DYMOND:

5 Q You have pointed out approximately 26 errors in  
6 Mr. Sciambra's memorandum of what he con-  
7 tends that you told him. Now, is it your  
8 contention that Mr. Sciambra deliberately  
9 distorted what you told, or that he made  
10 this many mistakes as to what you told him?

11 MR. ALCOCK:

12 Objection, this man cannot obviously answer  
13 that question.

14 MR. DYMOND:

15 This witness is disputing a memorandum of  
16 what he purportedly said. I would like  
17 to know on what basis.

18 THE COURT:

19 The memorandum was not prepared for the wit-  
20 ness.

21 MR. DYMOND:

22 If he claims it is wrong, I would like to  
23 know on what basis.

24 MR. ALCOCK:

25 He pointed out certain areas in the

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NARA DATE 11/23/93

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1 transcript, something that has been  
2 introduced into evidence and read to  
3 the Jury, and surely he can't know  
4 whether Mr. Sciambra deliberately  
5 made mistakes in compilation of this  
6 memorandum.

7 MR. DYMOND:

8 This witness has to know whether he clearly  
9 told this statement to Mr. Sciambra,  
10 if he clearly told it to him --

11 THE COURT:

12 Why don't you put that question to him?

13 BY MR. DYMOND:

14 Q Did you clearly give this statement to Mr.  
15 Sciambra?

16 A We talked for about three hours, it would be  
17 hard to say whether it was clear. There  
18 was a lot of -- in other words, Sciambra,  
19 in other words, to give you the physical  
20 aspect of how it stood, Sciambra sat there  
21 with a briefcase on his knees opened up and  
22 he had a bunch of photographs there, and he  
23 had a little pad, every once in a while he  
24 would write a little note on there, and  
25 most of the time he was holding the photo-

137

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NARA DATE 11/23/93

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1 graphs, turned them all down, and pulled  
2 one out and said, "Do you know this guy,"  
3 and I would say yes, or I never seen it,  
4 or I would say, yes, I remember him from  
5 somewhere or something to that effect, and  
6 he didn't even copy that, I guess he did,  
7 but he didn't let me see any of the notes  
8 taken, and I was sitting next to him.

9 Q Be that as it may, you did your best to state it  
10 clearly to him, did you not?

11 A Oh, I would say depending on the questions, I  
12 don't know if it was my best.

13 Q You were not trying to conceal anything, were  
14 you?

15 A He was asking me a question, and sometimes he  
16 would be asking the next question while I  
17 was trying to answer this one, a big deal  
18 was Ferrie's philosophy, I thought that it  
19 was important, I had to talk an hour and a  
20 half to explain that, he would listen but  
21 it was not all that exciting to him.

22 Q You thought the big deal was Ferrie's philosophy,  
23 or was that his idea?

24 A That was my idea, I thought that that was the  
25 big deal.



138

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 Q You thought that was the important part of it?

2 A I thought that was the big deal as far as that

3 is why he wanted to question me immediately.

4 Q Now, you knew that President Kennedy had been

5 assassinated then, didn't you?

6 A When Sciambra talked to me?

7 Q That's right.

8 A Yes.

9 Q You say you had also heard at that time three

10 men planning to assassinate President

11 Kennedy, is that right?

12 A I don't understand that.

13 Q At that time you say that you had heard three

14 men plan to assassinate the President?

15 A No, I didn't make that at all clear to Mr.

16 Sciambra, I said there was a meeting up

17 there and a group of people were talking

18 about shooting Kennedy, and five minutes

19 before then I told him that Ferrie came

20 over with a couple of guys and said, "We

21 are going to kill Kennedy and it won't be

22 long."

23 Q I asked you whether or not you did not know at

24 that time that you had seen and heard three

25 people plan to assassinate president Kennedy.

1 A I still don't understand the question.

2 Q When you were talking to Mr. Sciambra in --

3 A In Baton Rouge?

4 Q In Baton Rouge, did you not then know that you  
5 had seen and heard three people plan to  
6 assassinate President Kennedy?

7 A Well, I don't know if I had seen or heard three  
8 people plan to assassinate Kennedy, I  
9 heard a discussion about shooting Kennedy  
10 as well as I had heard the discussion on  
11 the street about killing Judge Perez or  
12 killing Martin Luther King or killing some-  
13 one else.

14 Q When you heard of this thing on Louisiana Avenue  
15 parkway, you didn't take it seriously, or  
16 what?

17 A It depended again -- I am trying to emphasize  
18 that Ferrie's philosophy, you wouldn't know  
19 whether or not to take him seriously or  
20 not.

21 Q You knew at that time that a District Attorney  
22 from the parish of Orleans was being  
23 represented by Mr. Sciambra who was in-  
24 vestigating the assassination of President  
25 Kennedy, didn't you?

139

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NARA DATE 11/23/93

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1 A Yes, that is correct.

2 Q And you knew your story about the meeting on  
3 Louisiana Avenue Parkway, didn't you?

4 A Yes, right.

5 Q And you knew that President Kennedy had been  
6 assassinated, is that correct?

7 A President Kennedy had been assassinated, yes.

8 Q Knowing all of these things, you thought that  
9 the philosophy of David Ferrie was the  
10 big deal he wanted to talk to you about  
11 and that you wanted to talk to him about.  
12 Is that right?

13 A That is what I thought was most important.

14 Q David Ferrie was dead at that time, was he not?

15 A My recollection is that I saw his picture in the  
16 paper, on television, one or the other, and  
17 I saw his name first, David William or  
18 Woodrow Ferrie, and I didn't look, they  
19 didn't have an address, as I remember it,  
20 and he was alive at that time, and then I  
21 saw his picture that night or afternoon in  
22 the news or on television, at that time I  
23 decided to write the letter and just send  
24 it to the District Attorney's Office, at  
25 that time I think he was alive, but I am not

140

RELEASED PER P.L. 102-668 (JFK ACT)  
NARA DATE 11/23/93

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141

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA DATE 11/23/93

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1 real sure of exactly when he died.

2 Q The point is when you spoke to Mr. Sciambra,

3 you knew Mr. Ferrie was dead, didn't you?

4 A When Mr. Sciambra talked to me on the 25th, yes,

5 I did know it.

6 Q Now, when you first met David Ferrie, I under-

7 stand he was living out in Kenner. Is that

8 correct?

9 A Yes.

10 Q And according to my recollection of your direct

11 testimony, you do not know the address he

12 was living at there?

13 A No, sir.

14 Q Now, who first introduced you to David Ferrie?

15 A Al Landry.

16 Q Al Landry?

17 A Yes.

18 Q Is this the same Al Landry to whom you referred

19 in your statement to Mr. Sciambra?

20 A Yes.

21 Q Is it the same Al Landry whom you said could

22 give more detailed information about Ferrie's

23 roommate?

24 A I said he could give more detailed information

25 about Ferrie's friends and associates, yes,

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NARA DATE 11/28/93

142

1 I did say that, on Page 4, towards the  
2 bottom.

3 Q You said that Landry could give more information  
4 about the roommate. Is that right?

5 A In line with this, in connection with -- I  
6 asked Mr. Sciambra to -- on Page 6, I asked  
7 Mr. Sciambra to take a picture, put a  
8 beard on Oswald and do not say who it is  
9 and show the picture to Kenny Carter,  
10 Landry, Kershenstine, and a few others,  
11 essentially the idea I came across, they  
12 might have seen this person before.

13 Q Now, when Ferrie was living out in Kenner,  
14 approximately how many times did you visit  
15 him out there?

16 A Once.

17 Q Only one time. Is that correct?

18 A Yes.

19 Q Is that the occasion upon which his mother was  
20 present?

21 A Yes.

22 Q And Al Landry was with you at that time. Is  
23 that right?

24 A I remember it, he brought me out there or drove  
25 in another car, there was some kind of a

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RELEASED PER P.L. 102-526 (JFK ACT)  
NARA DATE 11/23/93

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meeting going on out there.

Q Now, in what year would you estimate that?

A I would say 1961 or '62.

Q '61 or '62. Would we be safe in saying late  
'61 or early '62?

A I don't really know exactly, because there was  
just -- I don't know exactly the date of  
that, I told that to Sciambra in Baton  
Rouge, I don't know the exact date of when  
I did go out there.

Q Now, were you aware of the fact when Ferrie  
moved from Kenner to Louisiana Avenue  
Parkway?

A When he did move, no.

Q In other words, you did know he was going to  
move when he did move. Is that right?

A No.

Q When did you first find out he was living on  
Louisiana Avenue Parkway?

A He contacted me.

Q Now, --

A I don't recall, either bumping into him or per-  
haps he called me, one or the other, be-  
cause I had no reason -- I lived on  
Elysian Fields with my father at that time.

1 Q Approximately how long after this call or chance 144  
2 meeting did you visit Ferrie or Louisiana  
3 Avenue Parkway?  
4 A I am not sure, he came over to the house on a  
5 couple of occasions, he might have just  
6 come over initially, anyway, I am not sure  
7 he called, but he came over to the house,  
8 to my house, on several occasions before  
9 I had occasion to go up to Louisiana Avenue.  
10 Q Now, after the contact was made, after he had  
11 moved to Louisiana Avenue Parkway, did you  
12 commence seeing him with reasonable fre-  
13 quency?  
14 A Well, more or less, I saw him, yes.  
15 Q Now, approximately when would you place this  
16 date of your renewing these appointments  
17 with him?  
18 A Well, it was not -- you know, an acquaintance,  
19 I don't know, really, I mean -- it could  
20 have been late '62, early '63 that I first  
21 went up there, I don't know exactly when  
22 the first time was I went up there, but he  
23 came over in the beginning more than I went  
24 over to his place, I don't know exactly  
25 when the first time was that I ever went up

145  
 RELEASED PER P.L. 102-686 (JFK ACT)  
 NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1           there.

2   Q     Now, did you and Ferrie become pretty good

3           friends after this?

4   A     He was a distant person, you could not be a

5           good friend, that is the way I figured it,

6           although a lot of people probably say

7           different on that.

8   Q     After you renewed the acquaintance, after he

9           moved to Louisiana Avenue Parkway, can you

10          tell us about how frequently you saw him?

11  A     Well, on occasions, just averaging it out, maybe

12          twice a week, I don't know, he might pass

13          over to the house or I might pass up there,

14          more likely than not these times were after

15          April or May of 1963 than before because of

16          exams and because of school, but during

17          school he came, sometimes would come over,

18          but just as an average during those five

19          or six summer months, maybe twice a week.

20  Q     Now, at one point there was a reciprocal open

21          invitation given by you and Ferrie to come

22          to each other's houses when you would want

23          to.

24  A     Well, yes, I told him, I said, "If ever you are

25          in the neighborhood just drop in, if it is



late knock on the window and I will wake  
up," and, well, always knew he kept late  
hours.

Q Well, would it be fair to say that each one of  
you felt free to go to the other one's  
house uninvited?

A Yes, sir.

NO HIATUS HERE.

146

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/23/83

Reference copy, JFK Collection: HSCA (RG 233)

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1 Q To take with you whomever you pleased?

2 A Right.

3 Q Now, approximately how long did this relation-  
4 ship continue?

5 A Well, during the Summer months of '63, and I  
6 went back to school.

7 Q Now, what do you term the Summer months,  
8 Mr. Russo?

9 A Well, school starts trailing off and you start  
10 preparing for exams in early May, late  
11 April, baseball starts around April, that  
12 to me -- baseball is parallel with the  
13 Summer.

14 Q Just so that we will both now what we are  
15 talking about here, would you say the  
16 Summer months are April through what?

17 A September.

18 Q April through September. Is that right?

19 A Yes, although September is a month of school.

20 Q Now, how old were you back in 1963?

21 A I guess about 22.

22 Q How old are you now?

23 A 27.

24 Q 27. How old was Ferrie at that time?

25 A I don't know.

147

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 Q Approximately how old was he?

2 A Just about 40.

3 Q About 40?

4 A Yes.

5 Q Now, you have testified that David Ferrie's  
6 appearance varied from time to time, that  
7 is sometimes his wig was combed, other  
8 times it was mussed up; is that right?

9 A Well, sometimes it had spots, and other times  
10 it didn't have spots, it seemed to be  
11 combed a little bit, yes.

12 Q What do you mean by "having spots"?

13 A In other words there were places it would be  
14 bald, you know, I didn't sit there and  
15 stare at it, but you couldn't help but  
16 notice, and sometimes it would not be bald,  
17 it would be -- it would have been filled  
18 up, and it would be -- if he would have  
19 combed it.

20 Q Now, as a matter of fact, Ferrie had been the  
21 victim of a disease which caused him to  
22 lose all of his natural hair. Is that  
23 correct?

24 MR. ALCOCK:

25 Object, that is something not in evidence.

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

149)

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THE COURT:

I think it is a fair question, if he  
knows.

MR. ALCOCK:

If he knows of his own knowledge.

THE WITNESS:

I didn't.

BY MR. DYMOND:

Q Did he have any natural hair on his head?

A I don't know.

Q You never did see him without a wig?

A No, sir.

Q Did he have any natural eyebrows?

A Natural eyebrows?

Q Yes.

A I don't know.

Q Did you ever see him without his false eye-  
brows?

A Well, I saw him with bushy eyebrows and I saw  
him with some that were not so -- you just  
could barely see them, I guess that might  
be the natural eyebrows, if he had them at  
all, that was probably them.

Q So it is your testimony that you have seen him  
with thin eyebrows. Is that correct?

Reference copy, JFK Collection: HSCA (RG 233)

1 A Slightly, right, slightly there. If it was  
2 real, I don't know.  
3 Q Would you term them unusually light eyebrows?  
4 A Oh, I don't know, unusually light, you could  
5 see them a little bit there.  
6 Q Well, were they as heavy as mine or not?  
7 A Lighter than yours.  
8 Q Lighter?  
9 A Yes.  
10 Q Approximately how many times in all would you  
11 say that you visited this apartment on  
12 Louisiana Avenue Parkway?  
13 A Oh, I don't know, 15 or 20, 25.  
14 Q Within a period of how long?  
15 A Four or five months, four or five months we  
16 are talking about.  
17 Q Now, during the month of September, 1963, how  
18 many times did you visit the apartment?  
19 A Four or five.  
20 Q Four or five?  
21 A Yes.  
22 Q Did you make any visits there early in the  
23 month of September?  
24 A I'm almost sure I did.  
25 Q If you recall, when did your school start that

RELEASED PER P.L. 102-558 (JFK ACT)  
NARA 21 DATE 23 93

1                   year?

2    A    When did school start?

3    Q    Right.

4    A    I think it was about the third week or about

5           the middle of the third week of September.

6    Q    Well, as I understand it, the frequency of your

7           visits depended to some extent on whether

8           you were occupied at school or not. Is

9           that correct?

10   A    Quite often, yes.

11   Q    Therefore, would you say that you visited

12           quite frequently in the first part of

13           September before school started?

14   A    Well, I visited more than I would have after

15           school had started, but the first couple

16           of weeks or school aren't very much, you

17           know, you just go there and check in and

18           check out and it is all over.

19   Q    When would you say that your really serious

20           school work started?

21   A    About the third week, I mean, the first week

22           of October, after a couple of weeks of

23           orientation and stuff.

24   Q    Now, you say that you went there three or four

25           times during September. When was the

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

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first time that you saw this person whom  
you have described as a roommate?

A Oh, about the middle, a little bit before the  
middle of the month.

Q A little before the middle of the month?

A Yes.

MR. DYMOND:

Your Honor, it is 3:00 o'clock, I think  
you wanted to recess.

THE COURT:

I know you have more examination. You  
may leave the stand and smoke. We  
are going to take a five-minute  
recess. Will you take the Jury  
upstairs.

(Whereupon, a brief recess was  
taken.)

THE COURT:

Is the Defendant and the State ready to  
proceed?

MR. DYMOND:

Yes, Your Honor.

MR. ALCOCK:

Yes, sir.

THE COURT:

152

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

153

Reference copy, JFK Collection: ESCA (RG 233)

1 Proceed, Mr. Dymond.

2 BY MR. DYMOND:

3 Q Now, Mr. Russo, getting to this meeting that

4 you have testified as to having witnessed,

5 is it a fact that prior to this time you

6 had heard David Ferrie talking about

7 killing or assassinating presidents in

8 general?

9 A Right, yes.

10 Q And you say that at this meeting which you

11 have described as having taken place on

12 Louisiana Avenue Parkway, there was a

13 great deal of general conversation about

14 that, is that correct?

15 A At the meeting?

16 Q Yes.

17 A Yes, sir.

18 Q Did this start off as a general conversation

19 about assassinating a president or the

20 President, or how was it put?

21 A Oh, well, there was a record or something on

22 the record, a record, on the radio and

23 there -- it was in Spanish, Ferrie had

24 some clipping with him -- I at that point,

25 I'm not sure if it was about the killing



154

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (Rd 233)

1 of Kennedy, there was a lot of anti-  
2 Kennedy sentiment and that was carried  
3 over with Ferrie from before, he was  
4 sort of anti-Kennedy.

5 Q But this sort of followed a pattern of what  
6 you had heard before from Ferrie. Is  
7 that correct?

8 A Right.

9 Q As a matter of fact, Mr. Russo, isn't it a  
10 fact that you did not really take this  
11 seriously what you heard up there on  
12 Louisiana Avenue Parkway?

13 A Initially you could not believe Ferrie and you  
14 could not not believe him, from the first  
15 encounter I had with him he was just prone  
16 to the spectacular.

17 Q I see. Did this not have all the characteris-  
18 tics of a bull session that you had  
19 related?

20 A Every characteristic of it.

21 Q It did?

22 A Yes.

23 Q Would it be possible that that is why you did  
24 not take it sufficiently seriously to  
25 accentuate it in any statement that you

1 gave to Mr. Sciambra when he came to  
2 Baton Rouge?

3 A Well, I don't know if that was one of the  
4 reasons, everything was jammed into a  
5 couple of hours up in Baton Rouge, and  
6 most of it was looking at photographs,  
7 when or where I had seen these people,  
8 and he didn't go into great detail, I  
9 did talk to some extent about the way  
10 Ferrie felt about certain things, I  
11 thought this was important.

12 Q But even at that time you still regarded what  
13 you had witnessed as more or less a bull  
14 session. Is that correct?

15 A At that time I really didn't have an opinion  
16 because Ferrie's photograph had come  
17 into the newspapers.

18 Q But actually you didn't have a contrary opinion  
19 to that either, did you?

20 A Right.

21 Q In other words, you were on the fence as to  
22 considering this meeting that you say  
23 you witnessed as a bull session or some-  
24 thing serious. Is that right?

25 A Essentially.

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DP DATE 2/2/93

Reference copy, JFK Collection: HSCA (Rg 233)

1 Q Now, Mr. Russo, once again, returning to the  
2 meeting on Louisiana Avenue Parkway, did  
3 David Ferrie ever request that you leave  
4 the premises before they started talking  
5 about this?  
6 A No. In other words, I was not there all of  
7 the time. There was a spiral staircase  
8 and I did walk down that to go to the  
9 street a couple of times. In the very  
10 beginning there were a couple of remarks  
11 as to why I was there, you know, things  
12 of that sort.  
13 Q The record player was playing while this  
14 talk --  
15 A No, that was at the very beginning the record  
16 player was playing or the radio. It could  
17 have been one or the other.  
18 Q Did anyone there swear you to secrecy or  
19 threaten to do anything to you if you  
20 should tell about this meeting?  
21 A No.  
22 Q Never did. And actually, Mr. Russo, you left  
23 the premises that night not knowing whether  
24 it was just a bull session or what it was.  
25 Is that correct?

156

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (Pg 233)

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1 A Right.

2 Q Now, Mr. Russo, in the memorandum, the Sciambra

3 memorandum as we will call it which has

4 been introduced as "State and Defense 20,"

5 Mr. Sciambra reported that when you made

6 the statement that whenever you came

7 around the roommate would leave, and my

8 notes do not indicate that you corrected

9 that statement.

10 A Where is that, I will --

11 Q It is on page 4, a little -- right about the

12 middle of the page.

13 A Let's see.

14 Q I will read that to you, if you wish, "He said

15 that the roommate never talked to anybody,

16 as soon as anyone would come into Ferrie's

17 apartment, the roommate would get up and

18 leave and go into another room by him-

19 self."

20 A Right, I see it.

21 Q Was there any reason for your not correcting

22 that in view of your testimony that the

23 roommate did stay in there during this

24 discussion?

25 A Well, it -- a little bit, a little bit was

RELEASED PER P.L. 102-636 (JFK ACT)  
NARA 21 DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 not included there, one of the things was  
2 that initially I probably told Sciambra  
3 or whoever I was talking to in New Orleans  
4 that following week that the roommate and  
5 I did not essentially get along from the  
6 initial encounter, and he did get up and  
7 leave at that time, that first time that  
8 I had ever seen him, and whether or not  
9 he did this every time, he didn't do this  
10 every time, only saw him three or four  
11 times, three of those four times he did  
12 leave and was not around.

13 Q Now, Mr. Russo, you have said that you were  
14 on the fence as to whether you believed  
15 if this was a bull session or something  
16 serious.

17 A '67 you are talking about? In Baton Rouge you  
18 are talking about?

19 Q That is correct, you still feel that way?

20 A Whether it was serious or not?

21 Q Yes.

22 MR. ALCOCK:

23 At this time, let me object to that  
24 question, Mr. Russo's personal  
25 feelings about it aren't really

13

1

relevant, it would be the feelings

2

of the 14 men to my left whether or

3

not the conversation is serious.

4

THE COURT:

5

I sustain the objection.

6

BY MR. DYMOND:

7

Q Now, Mr. Rusoo, I understand that Mr. Sciambra

8

showed you several photographs when he

9

was in Baton Rouge, and that after he put

10

a beard on one of the photographs, you

11

identified that photograph as the room-

12

mate. Is that correct?

13

A Well, when he pulled out the photograph, you

14

are talking about the one of Oswald, when

15

he put out that one, when he pulled out

16

that one I said "That is his roommate"

17

and he said "That is Lee Harvey Oswald,

18

isn't it," and something was said to the

19

effect "What did you mean," all of that

20

sort of stuff, and I said, "Well, the

21

guy that I knew had a beard or whiskers,

22

and then he drew a little bit on it or

23

I drew something on it to get it

24

straight.

25

Q You say you didn't know whether you or he or

159

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA 28 DATE 11/28/13

Reference copy, JFK Collection: ESCA (Rg 233)

1 both of you put the whiskers on him?

2 A I think both of us did.

3 Q What happened after that?

4 A Well, it was the -- it was erased, we did it

5 real lightly in pencil and we erased it

6 and we will do it over, it never did come

7 to anything, he said "Could you come back

8 to New Orleans Monday," and I said, "If

9 you call the office."

10 Q So then you never did identify in Baton Rouge

11 a photograph of Oswald as the roommate.

12 Is that right?

13 A The first thing that came out of my mouth, I

14 said, "That is his roommate," and he said

15 "No, that is Lee Harvey Oswald," and we

16 got into a tangent, and I said the guy I

17 knew had whiskers on him and he asked me

18 to come down on Monday, so probably tech-

19 nically I didn't identify him.

20 Q Did you ever tell Mr. Sciambra in Baton Rouge

21 that the photograph was a representation

22 of the person to whom you have referred

23 as the roommate?

24 A , Yes, that is the first thing that I said when

25 he pulled the photograph out.

1 Q You told him that was the roommate?  
2 A That is Ferrie's roommate, and he said that is  
3 Lee Harvey Oswald, and he didn't really  
4 answer me when I gave him that, he started  
5 asking me "Why did you say that" and I  
6 said that is the guy I knew as Ferrie's  
7 roommate and I said but the guy I knew had  
8 whiskers on.  
9 Q But you did identify the photograph as  
10 Ferrie's roommate?  
11 A Well, one of the photographs, yes.  
12 Q In Baton Rouge?  
13 A In Baton Rouge, right.  
14 Q Now, do you recall the preliminary hearing in  
15 which you testified in this case, do you  
16 not?  
17 A Right.  
18 Q I have reference to page 211 of your testimony  
19 at the preliminary hearing, which I will  
20 read to you and ask whether your testimony  
21 remains the same at the hearing after  
22 hearing this. This is in answer to a  
23 previous question, let me get the first  
24 question on page 2 -- what is that, 210,  
25 210, and you say the absence of three or

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)



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four days growth of whiskers, you say,  
would make you unable to identify him, and  
the answer is "I do not know if it was  
three or four days, it just was not a  
beard, they drew a composite photograph  
and they had it on these things, it has  
been corroborated, so to speak," and the  
question "You say they drew a composite  
photograph," and the answer is, "In other  
words, they had it, it is not a beard, not  
a beard, it is something in between a  
beard and just whiskers," and the question  
is, "Are you telling us that a photograph  
was taken and they altered it and showed  
it to you and it was that altered photo-  
graph that caused you to be positive," and  
the answer is "No, sir, the first time  
they showed me the photograph, the man up  
there said would you mind looking at these  
photographs, and there was a bunch of them,  
and, you know, he just put one in front of  
me and said do you know this guy and I  
said no -- yes, or whatever the circumstan-  
ces were, and he put the picture of --  
-- at that time I said it was his roommate,

162

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

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and he brings the picture of his room-  
mate, puts the picture of the roommate in  
front of me, and I said that I knew him,  
he wanted to know who that was, and I  
said that is the roommate, and then I  
looked at it again, and then recognized  
the eyes or something, and I said no, it  
is not, I said that is Oswald, I don't  
think it is the roommate -- he asked me  
what the difference was and I said this  
guy is clean, the picture they showed me  
was very clean, had a white shirt on and  
they just put whiskers on," and the  
question is, "Who put the whiskers on,"  
and the answer is "One of the artists of  
the DA's staff," and the question is "Do  
you know which one," and the answer is  
"I can point him out," and the question is  
"Do you see him in court at this time?"  
and the answer is "Yes," and the question  
"Will you point him out," answer "Yes."  
It goes on, "Mr. Dymond: Let the record  
show that the witness indicated Charles  
Jano, examination by Mr. Dymond, question,  
"What were the whiskers put on with, pen

163

RELEASED PER P.L. 108-628 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (Pg 233)

and ink or what," and the answer "It was  
a pencil and they started in pencil and  
they first asked me to do it in Baton  
Rouge --"

MR. ALCOCK:

I object to any hearsay being read by  
Counsel.

MR. DYMOND:

I am just reading from this man's  
testimony.

THE COURT:

That record is not in evidence.

MR. DYMOND:

It is a contradictory statement, if The  
Court please.

THE COURT:

The fact that a transcript of the preliminar-  
y hearing is in your possession for  
purposes of attacking the credibili-  
ty of the witness does not mean that  
you could read hearsay.

MR. DYMOND:

I will skip the hearsay in here, but I  
have direct statements by this man.

THE COURT:

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA DATE 11/23/93

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On contradictory statements, you will  
have to abide by the rules.

NO HIATUS HERE.

Reference copy, JFK Collection: HSCA (RG 233)

1 "Q What were those whiskers put on with,  
2 pen and ink or what?

3 "A It was pencil, and they started in  
4 pencil. At first they asked me to do it  
5 in Baton Rouge. --

6 MR. ALCOCK:

7 Objection right there. Who is the "they"  
8 that asked him in Baton Rouge? That  
9 is hearsay.

10 MR. DYMOND:

11 If the Court please, this is a question  
12 of this man merely explaining the  
13 circumstances surrounding a prior  
14 contradictory statement.

15 MR. ALCOCK:

16 That is no exception to the hearsay rule,  
17 Your Honor. That is necessarily hear-  
18 say.

19 THE COURT:

20 What they "asked me to do in Baton Rouge"?

21 MR. ALCOCK:

22 What "they" asked me to do? Who? They are  
23 not subject to cross-examination. That  
24 is hearsay.

25 MR. DYMOND:

1 I refer the Court to Article 295 of the  
2 Code of Criminal Procedure, the last  
3 paragraph of which reads as follows:

4 "The transcript of testimony given by a  
5 person on a preliminary examination  
6 may be used by any party in a subse-  
7 quent judicial proceeding for the  
8 purpose of impeaching or contradicting  
9 the testimony of such person as a  
10 witness."

11 That is 295, the last paragraph.

12 MR. ALCOCK:

13 I have no quarrel with that proposition of  
14 law and no objection to Mr. Dymond  
15 using this for impeachment purposes,  
16 but I do have objection to his getting  
17 hearsay in under the guise of impeach-  
18 ment.

19 MR. DYMOND:

20 Your Honor, the article doesn't make any  
21 exception, it says the transcript may  
22 be used, it doesn't say a portion of  
23 the transcript may be used.

24 MR. ALCOCK:

25 Mr. Dymond knows well if he is referring to

1 a witness who is not available, then  
2 the transcript would be read. This is  
3 not strictly under impeachment.

4 MR. DYMOND:

5 I don't know if this witness is available  
6 at all. This is a police officer.

7 THE COURT:

8 Let me take a look at this, let me take a  
9 look at this. I think you are re-  
10 ferring to the third paragraph, is  
11 that correct?

12 MR. DYMOND:

13 The last paragraph, yes.

14 MR. WILLIAM WEGMANN:

15 Read the comment, Judge, under (c).

16 THE COURT:

17 I will overrule the State's objection under  
18 the authority of the third paragraph  
19 of Article 295. You may proceed.

20 BY MR. DYMOND:

21 Q "Q What were these whiskers put on with,  
22 pen and ink or what?

23 "A It was a pencil and they started in pencil.  
24 At first they asked me to do it in Baton  
25 Rouge if I could, but all I did was draw

168

RELEASED PER P.L. 108-626 (JFK ACT)  
NARA DATE 11/23/43

Reference copy, JFK Collection: ESCA (RG 233)

RELEASED PER P.L. 108-626 (JFK ACT)  
 NARA DATE 11/28/93

169

Reference copy, JFK Collection: ESCA (RG 233)

1 straight lines and that did not fit. I  
 2 said that was not him so they -- somebody  
 3 that knew about art or something -- Mr.  
 4 Jano."

5 Do you deny having testified in that manner in  
 6 the preliminary hearing?

7 A No.

8 Q Now actually Mr. Jano did not put any whiskers  
 9 on that photograph until after you came to  
 10 New Orleans, did he?

11 A Right.

12 Q Is it not a fact then that you did not identify  
 13 a photograph as the roommate in Baton  
 14 Rouge, as you previously testified?

15 A Is it not a fact that I did not?

16 Q That is correct.

17 A I did identify a photograph in Baton Rouge.

18 Q Would you tell me here why you stated at the  
 19 preliminary hearing that you could not  
 20 identify, that you did not identify --

21 A If you will look at that one quote where you  
 22 said, "That is not him," would you read  
 23 that one little bit, "That is not him"?

24 Q I will read the whole answer for you.

25 A Just that little bit is all I need.



170

1 Q All right. "At first they asked me to, in  
2 Baton Rouge, if I could, but all I did  
3 was draw straight lines and that did not  
4 fit. I said that was not him, so they had  
5 somebody that knew something about art or  
6 something --

7 A Mr. Jano. "That was not him," I used that on  
8 several occasions, even in Baton Rouge I  
9 used that expression I am almost sure, not  
10 verbatim those words, and I used it in  
11 New Orleans about three or four hours with  
12 Mr. Jano. That picture he was drawing,  
13 "This is not it either." He would go to  
14 another -- this was not it either.  
15 Essentially I said about the same thing,  
16 but this doesn't bring up anything about  
17 Baton Rouge.

18 Q And is that the only explanation that you have  
19 for this?

20 A Isn't that the key, that you are saying that  
21 was not him?

22 Q That is correct. The key is that I am asking  
23 you whether you identified a photograph  
24 of Lee Harvey Oswald as being a photograph  
25 of the roommate while you were still in

RELEASED PER P.L. 102-628 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

171

1                   Baton Rouge.

2   A    Absolutely.

3   Q    And you have no other explanation as to why

4                   you made this statement in the preliminary

5                   hearing?

6   A    I am saying essentially the same thing there,

7                   Mr. Dymond. I said that was not him, told

8                   that Mr. Jano three or four times.

9   Q    Your testimony is after saying "It is not him,"

10                  you got to a later picture and said, "That

11                  is him"?

12   A    Right.

13   Q    Then why did you refer to having to get somebody

14                  that knew something about art, Mr. Jano?

15   A    Because Mr. Sciambra didn't know how to draw,

16                  and I tried and he tried, and I drew straight

17                  lines and I can't even -- I don't have good

18                  handwriting.

19   Q    And Mr. Jano didn't touch the photograph until

20                  you got back in Baton Rouge?

21   A    Mr. Jano -- that is right -- Monday.

22   Q    Jano was not in Baton Rouge when Mr. Sciambra

23                  was talking to you, was he?

24   A    No.

25   Q    Well, are you denying then that you meant by this

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/23/93

172

1 testimony at the preliminary hearing that  
2 you did not identify the photograph until  
3 Mr. Jano put whiskers on it?

4 A Well, let me explain it this way: In Baton  
5 Rouge we never did resolve it in the sense  
6 of getting a correct photograph, in New  
7 Orleans the same thing, and even the final  
8 photograph, it was after a couple of hours.  
9 The final photograph that Mr. Jano did  
10 finally get wasn't perfect by any means,  
11 and I even told them that, but it was the  
12 best he had done. I was tired, but we went  
13 through seven or eight different editions,  
14 went through a book with beards in it, and  
15 I said, "No, that is not it," and "That is  
16 not it," and "That is not it," so some of  
17 the photographs that he did draw -- he was  
18 dark or he was light or he missed something  
19 or didn't have something, and I said, "That  
20 is not him either."

21 Q (Exhibiting photograph to witness) I show you a  
22 photograph which I have marked for identifi-  
23 cation "D-7," and I ask you whether that is  
24 the photograph that you ultimately identi-  
25 fied as being one of the roommate.

Reference copy, JFK Collection: ESCA (Rg 233)

1 A Right.

2 (Whereupon, the document referred  
3 to by Counsel was duly marked for  
4 identification as "Exhibit D-7.")

5 BY MR. DYMOND:

6 Q Did you identify this in Baton Rouge or New  
7 Orleans?

8 A That was in New Orleans.

9 Q This was in New Orleans. Now, you testified  
10 that the photograph which you ultimately  
11 did identify, which would be "D-7," was  
12 still not a perfect likeness of the room-  
13 mate. Is that correct?

14 A Right.

15 Q Would you point out the imperfections for the  
16 benefit of the Jury? Mr. Russo, I think  
17 it will be better, for the benefit of the  
18 Jury, if you refer to the exhibit which has  
19 been marked "State-19," which I think the  
20 State will stipulate is a blowup of the  
21 photograph marked for identification "D-7."

22 MR. ALCOCK:

23 If he is not 100 per cent sure --

24 A It appears to be.

25 BY MR. DYMOND:

1 Q -- and point out the imperfections that you  
2 have referred to in your testimony, for  
3 the Jury.

4 A Well, some of the darkness right here by the  
5 nose, the nose column, a little bit under-  
6 neath the nose, this is something that even  
7 I can remember talking to Mr. Jano about  
8 and telling him -- said it was kind of  
9 dirty. He darkened up a little bit here,  
10 up here, and things like that. It wasn't  
11 curly here, this was not curly (indicating).  
12 This I guess is all right more or less.

13 Q When you say "this was not curly," you mean the  
14 beard?

15 A In other words, the lines we drew here, we tried  
16 straight lines and that wasn't any good,  
17 and he started these curly lines. Some of  
18 it looks all right but some of it doesn't  
19 look any good. All these curls along here  
20 (indicating) aren't that good.

21 Q Would you say that this overemphasizes the amount  
22 of beard that the roommate had, according to  
23 your testimony?

24 A Just a little.

25 Q A little bit?

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA DATE 11/23/93

175

1 A Yes.

2 MR. DYMOND:

3 If the Court please, in connection with  
4 the witness's testimony we would  
5 like to offer, file and produce in  
6 evidence the photograph marked for  
7 identification "D-7."

8 THE COURT:

9 Is there any objection?

10 MR. ALCOCK:

11 No objection.

12 THE COURT:

13 Let it be received.

14 MR. DYMOND:

15 The preliminary hearing marking is scratched  
16 out.

17 BY MR. DYMOND:

18 Q When you say that photograph slightly over-  
19 accentuated the beard on that person -- is  
20 that right?

21 A Right.

22 Q -- was this a dark beard or a light beard?

23 A Well, it wasn't really a beard, something in  
24 between a beard and whiskers, I mean  
25 something in between a beard and whiskers.

Reference copy, JFK Collection: ESCA (Rg 233)

176

RELEASED PER P.L. 102-636 (JFK ACT)  
NARA DATE 11/27/93

1 Q Well, would you say a four or five days growth  
2 of beard or what?  
3 A Three or four.  
4 Q Three or four days?  
5 A In other words, a guy hasn't shaved for three  
6 or four days.  
7 Q Did you ever stay overnight at Dave Ferrie's  
8 apartment when this roommate was there?  
9 A No.  
10 Q Never did?  
11 A No.  
12 Q Did you know of any occasion upon which the  
13 roommate stayed there overnight?  
14 A No.  
15 Q I take it then that your reason for calling him  
16 a roommate was that Dave Ferry told you he  
17 was a roommate, is that right?  
18 A Right.  
19 Q And you have nothing to substantiate that, is  
20 that correct?  
21 A No.  
22 Q Now getting back to the number of times in toto  
23 that you saw this roommate, what was the  
24 total number of times?  
25 A Four.

Reference copy, JFK Collection: ESCA (Rg 233)

1 Q Four times?

2 A (The witness nodded affirmatively.)

3 Q Approximately for how long did you see him on

4 the first occasion?

5 A A few minutes.

6 Q Approximately how many?

7 A Oh, maybe ten.

8 Q How about the second occasion?

9 A Well, I didn't look at him all the time, but

10 that was when I was up at Louisiana Avenue

11 and there was a group of people around. He

12 was there, too, so --

13 Q You say that was a matter of hours up there?

14 A Right.

15 Q How about the third time?

16 A Just a few.

17 Q About how many minutes?

18 A Five.

19 Q And the fourth time?

20 A Say about the same thing.

21 Q Where did you see him this fourth time?

22 A Up at Ferrie's place.

23 Q Up at Dave Ferrie's place?

24 A Right.

25 Q And is it my understanding that he was clean-

177

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)



RELEASED PER P.L. 108-628 (JFK ACT)  
 NARA DATE 11/23/93

178

1 shaven at that time?  
 2 A Well, he was clean, you know, he had to be  
 3 clean-shaven, too. I saw him turn sideways,  
 4 didn't take much note. He was leaving town.  
 5 Well, he was just different that day, he  
 6 was clean.

NO HIATUS HERE.

Reference copy, JFK Collection: ESCA (RG 233)

25

1

1 Q You didn't see any whiskers then, is that  
2 right?

3 A No, I really didn't take note of the, no, I  
4 didn't see them. He might have had it but  
5 I don't think he did, you know, because  
6 he turned sideways and he was talking --  
7 he wasn't talking to me -- and he was  
8 leaving, so I just left.

9 Q Now, Mr. Russo, when you wrote your letter  
10 to the District Attorney's Office, had  
11 you learned of the fact that Dave Ferrie  
12 had died? Had you seen the announcement  
13 in the paper?

14 A I'm not sure exactly. I was thinking about  
15 that yesterday or the day before, and I  
16 am not sure exactly if he had died or  
17 was -- I saw his name, he was still alive,  
18 but it was "David William" or "Woodrow  
19 Ferrie," and then that evening I'm most  
20 sure I caught his face on television, or  
21 that afternoon. I don't think he was  
22 dead at that time, but he might have  
23 been, or it might have been the death  
24 photo, or some photo.

25 Q Now, in this letter which you wrote to the

179

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: BSCA (RG 233)

1 District Attorney's office -- I am speak-  
 2 ing of the original letter that you wrote  
 3 before having interviewed Mr. Sciambra --  
 4 did you make any mention of any conspir-  
 5 atorial meeting?  
 6 A No, sir.  
 7 Q Did you mention the word "Leon," the name  
 8 "Leon Oswald"?  
 9 A No, sir.  
 10 Q Did you mention the name "Clém" or "Clay  
 11 Betrand"?  
 12 A No, sir.  
 13 Q Did you mention the name Clay Shaw?  
 14 A No, sir.  
 15 Q Did you mention the name "Lee Harvey Oswald"?  
 16 A No.  
 17 Q I take it you did not mention the name  
 18 "Oswald" in any form, is that correct?  
 19 A No.  
 20 Q Mr. Russo, did you happen to keep a copy of  
 21 that letter?  
 22 A No.  
 23 Q Was it typed or handwritten?  
 24 A It was typed.  
 25 Q And was that directed to Mr. Jim Garrison,

RELEASED PER P.L. 102-566 (JFK ACT)  
 NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 District Attorney for the Parish of  
2 Orleans?  
3 A I probably put on there -- I probably put it  
4 that way on the envelope, but all it said  
5 I think was "To whom it may concern."  
6 Q Do you remember the content of that letter?  
7 A Almost.  
8 Q Would you tell us what it was?  
9 A Well, it says I will be -- says I live in  
10 Baton Rouge and I at one time knew  
11 Dave Ferrie. I heard him say that we  
12 will kill the President, won't be long.  
13 If you would like me to make a statement  
14 I will be in New Orleans on the 25th --  
15 that would have been Saturday -- on the  
16 25th of February until the 26th if you  
17 could please have someone at the  
18 District Attorney's office at 6:00 p.m.  
19 that evening.  
20 Q Mr. Russo, as a matter of fact didn't that  
21 letter merely say that you knew Dave  
22 Ferrie and many of his friends?  
23 A Yes.  
24 Q And that you would be very glad to tell the  
25 District Attorney what you knew about

181

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA NAME 23 23

Reference copy, JFK Collection: ESCA (RG 233)

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 it?

2 A It said that.

3 Q And it did not go into any more detail than  
4 that, did it?

5 A It said, "We will kill him, it won't be long."  
6 I figured that was -- if they were inter-  
7 ested I was sure they would be interested  
8 in that.

9 Q Did that letter mention the name of President  
10 John F. Kennedy?

11 A No, I don't think it did.

12 MR. DYMOND:

13 If The Court please, at this time we will  
14 call for the production of the  
15 original of that letter which was  
16 sent to the District Attorney's  
17 Office.

18 MR. ALCOCK:

19 Your Honor, the State would like to  
20 oblige. However, frankly, we have  
21 never found the letter.

22 THE COURT:

23 I beg your pardon?

24 MR. ALCOCK:

25 We don't know where the letter is. I

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don't know of anybody in the District  
Attorney's Office that ever received  
the letter. I will, however, tonight  
make a diligent effort to locate it,  
but I think this was the same  
situation we were confronted with at  
the preliminary hearing. I don't  
know, I know I have never personally  
seen the letter and I don't know of  
any member of our staff that has.

183

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA SP DATE 11/27/93

Reference copy, JFK Collection: ESCA (Rg 233)

NO HIATUS HERE

1 Q Mr. Russo, was this letter ever returned to  
2 you by the Postal Department?

3 A No, sir.

4 Q When the first representative of the District  
5 Attorney's Office contacted you, how was  
6 it done?

7 A LSU was playing baseball that afternoon over at  
8 the field, and I went over to the baseball  
9 game and watched the baseball game. Mr.  
10 Sciambra showed up there, which I didn't  
11 know who he was, just came to the baseball  
12 game -- it was a practice game -- came to  
13 the game. I went home and he showed up  
14 afterwards.

15 Q Now, when Mr. Sciambra contacted you, did he  
16 make any mention of their having received  
17 the letter from you?

18 MR. ALCOCK:

19 Objection, Your Honor. I think Mr. Sciambra  
20 -- anything Mr. Sciambra said at that  
21 time would be hearsay.

22 MR. DYMOND:

23 Your Honor, that isn't hearsay at all. Mr.  
24 Sciambra is here in Court. I am trying  
25 to find out from this witness whether

185

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: NSCA (RG 233)

Mr. Sciambra acknowledged receipt of the letter. Apparently the letter can't be found and we are inquiring into that.

THE COURT:

It is hearsay whether Mr. Sciambra is in Court or not. That doesn't circumvent the hearsay rule. He could tell you what he said but not what Sciambra told him. We have been ruling on that consistently.

MR. DYMOND:

If the Court please, I submit that this is certainly an exception to the hearsay rule where a statement made by one of the attorneys in the case to a witness is the issue before us. I don't think there is any question about it.

THE COURT:

Rephrase your question. Let's see if I understand it better.

BY MR. DYMOND:

Q When Mr. Sciambra first contacted you --

MR. ALCOCK:

If Your Honor please --



1 THE COURT:

2 I will give you a chance to be heard be-  
3 fore the end.

4 BY MR. DYMOND:

5 Q When Mr. Sciambra first contacted you, did he  
6 mention that the District Attorney's Office  
7 had received your letter and that it was  
8 in response to that letter that he was con-  
9 tacting you?

10 THE COURT:

11 All right. Mr. Alcock, what is your ob-  
12 jection?

13 MR. ALCOCK:

14 My objection was, Your Honor, that it was  
15 hearsay. Of course, I do obviously  
16 acknowledge that Mr. Sciambra is in  
17 the Court. I might announce to the  
18 Court at this time that we will put  
19 Mr. Sciambra on the stand.

20 THE COURT:

21 I am going to overrule the objection anyway.  
22 I think he can say yes or no without  
23 going into details.

24 BY MR. DYMOND:

25 Q Would you answer the question, please.

1 A No, he didn't mention the letter at all; I  
2 asked him about it.

3 Q I see. Did he acknowledge having received the  
4 letter or that it was received by the  
5 District Attorney's Office?

6 A Well, he didn't say for the District Attorney's  
7 Office, he said he hadn't received it.

8 Q Did he tell you what prompted him to come up to  
9 Baton Rouge and see you?

10 A As I recollect, I think he said he saw me on  
11 television.

12 Q Now, after you wrote this letter to the District  
13 Attorney's Office, did you grant any tele-  
14 vision or radio interviews?

15 A On the 24th, which was Friday -- I had stated  
16 in the letter that I was going to New  
17 Orleans on the 25th, which was Saturday,  
18 because I generally twice a month went to  
19 New Orleans for a weekend, but on the 24th  
20 I changed my mind because of the baseball  
21 game that Saturday, that pending baseball  
22 game, and so I called the Baton Rouge De-  
23 tective Bureau and told them essentially  
24 about that, about the letter and about Dave  
25 Ferrie, and he said -- I told him I wanted

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA DATE 11/23/93

188

to -- would he take a statement, and he said send it to Garrison, or send it to the DA's office. He said, "Well, are you going to New Orleans soon?" I said, "Probably in a couple of weeks or maybe next week-end."

Q Now, Mr. Russo, is it not a fact that at this time, that is, the time that you have just referred to, you still considered this an inconsequential bull session, and that is the reason that you would not even pass up a baseball game to come down and talk to the District Attorney about it?

A Well, essentially your point -- I agree with the point. I didn't know at that time whether it was important or it wasn't.

Q Now, do you know a reporter by the name of Jim Kemp?

A From WDSU?

Q He was with --

A He is from WVUE now.

Q He was with WVUE, that is correct.

A He is with WVUE now, he was with WDSU.

Q That is correct.

A Right, yes.

Reference copy, JFK Collection: HSCA (RG 233)

1 Q Did you grant him a television interview?  
2 A On Channel 9, Baton Rouge.  
3 Q At any time in that television interview, did  
4 you make any mention of a conspiracy meet-  
5 ing?  
6 A No.  
7 Q At any time in that interview did you mention  
8 the name Oswald?  
9 A Oswald? No.  
10 Q Did you mention the name Clay or Clem Bertrand?  
11 A No.  
12 Q Now, is it not a fact that the day after you  
13 either wrote or mailed your letter to the  
14 District Attorney's Office, that you  
15 granted an interview to a Mr. Bill  
16 Bankston, who at that time was, and still is,  
17 a reporter for the Baton Rouge States Times?  
18 A Well, I thought his name was Ray Bankston, but a  
19 Mr. Bankston with the States Times, yes,  
20 sir.  
21 Q At any time during your interview with Mr.  
22 Bankston, did you mention a conspiratorial  
23 meeting?  
24 A No, sir.  
25 Q Did you mention any plan to assassinate President

189

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: HSCA (RG 233)

1 Kennedy?  
2 A With Mr. Bankston?  
3 Q Right.  
4 A No, sir.  
5 Q Did you mention the name Oswald?  
6 A No, sir.  
7 Q Did you mention the name Clay or Clem Bertrand?  
8 A No, sir.  
9 Q Did you mention the name Clay Shaw?  
10 A No.  
11 Q Now I will read you what purports to be a direct  
12 quote of what you told Mr. Bankston in  
13 that interview, and I will ask you whether  
14 you have any quarrel with the fact that  
15 you did tell him this.  
16 MR. ALCOCK:  
17 May I see that, Your Honor, before Counsel  
18 reads it?  
19 MR. DYMOND:  
20 Sure (exhibiting document to Counsel).  
21 BY MR. DYMOND:  
22 Q I repeat, Mr. Russo, I will read to you what  
23 purports to be a direct quote of a statement  
24 of yours to Mr. Bill Bankston, and ask you  
25 whether you have any quarrel with the fact

1           that this was said by you:  
2       " 'I never heard of Oswald until on television  
3       after the assassination,' Russo said. He  
4       said, 'David W. Ferrie never mentioned  
5       Oswald's name.' "

6       Do you deny having said that to Mr. Bankston?  
7   A   Not the exact quote -- no, I don't deny -- in  
8       essence, yes, but not -- I don't know as  
9       far as exactly, no.

10      MR. ALCOCK:

11           Are we going to read another one?

12      MR. DYMOND:

13           I will show it to you first (exhibiting  
14           document to Counsel).

15  
16  
17                           NO HIATUS HERE.  
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191

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA   DATE 11/23/93

Reference copy, JFK Collection: NSCA (RG 233)

1 BY MR. DYMOND:

2 Q Mr. Russo, do you deny that you told to

3 Mr. Bankston that it was about a month

4 before the assassination of President

5 Kennedy that David Ferrie told you, "We

6 will get it him and it won't be long"?

7 A He said that several times, that was probably

8 one of them, right around --

9 Q That would be a month before the assassination?

10 A Not exactly, I wouldn't know even if I would

11 want to hold to that date, but he said

12 that on several occasions, that or one

13 or another offspring in the same essence.

14 Q But that is what you told Bankston, is that

15 correct?

16 A I am not going to argue you with you the

17 quote on it because I don't know the

18 exact words, but essentially that, prob-

19 ably, yes.

20 Q Now I will read to you supposedly your verbatim

21 description of the statement by Ferrie,

22 and ask you whether you deny having so

23 described it to Mr. Bankston:

24 "It was just a general conversation,"

25 Russo said."

MR. ALCOCK:

Now, Your Honor, is he referring to the statement he just read or some other statement?

MR. DYMOND:

No, the statement that I just read.

MR. ALCOCK:

All right. Go ahead.

THE WITNESS:

What was just a general conversation?

BY MR. DYMOND:

Q The statement about David Ferrie, that "We will get him and it won't be long."

A Like I told you, he said that up at the Parkway -- I mean up at the apartment, he said that before, something of that essence, and it was a general conversation tone to it. He said that. He became quite obsessed during the Summer with Kennedy and he said it on a couple of occasions.

Q Did you describe Ferrie to Mr. Bankston as a "screwy but sharp in a brainy way person"?

A I don't know about those words, but I described him that way. He is a paradox,



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1 screwy but sharp. He was a paradox.

2 Q Now, what would you mean by "screwy but  
3 sharp"?

4 A In other words, the man claimed to speak eleven  
5 languages, and yet what was he doing for  
6 a living? When I knew him at Kenner I  
7 didn't know much about Eastern Airlines,  
8 if he was working for them or not. I  
9 heard that he was, but then between that  
10 and the next part of the Summer I don't  
11 think he had a job. He might have. In  
12 other words, he was a paradox of a person-  
13 ality. He wore quite often baggy dirty  
14 clothes, and he had a mind I thought very  
15 sharp, and when it came down -- if you are  
16 going to speak eleven languages and claim  
17 to have five degrees, it would seem that  
18 you would be doing something more than  
19 what you are doing right now. That was  
20 the logical question, although I never  
21 asked him that.

22 Q And would that be what prompted you to call  
23 him screwy?

24 A Well, he was prone toward the fantastic, yes,  
25 the whole thing perhaps -- "screwy," if I

195

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1 use that word it was a bad word, because  
2 he was prone toward the fantastic and you  
3 couldn't tell what the man could back up.  
4 The first instance that I had to meet him,  
5 I figured I knew everything there was to  
6 know about politics and I argued with him  
7 about something or other, because I was  
8 first or second year in school, and he  
9 quoted me book, chapter and verse of  
10 someone -- William James, or it could have  
11 been Hobbs or anybody else -- but that  
12 strong, and yet for what apparent purpose?  
13 None. He seemed to lack a purpose, or at  
14 least a purpose that I knew about.

15 Q Mr. Russo, do you mean to infer that Ferrie  
16 was a little on the crazy side, or not?

17 A Well, I always thought so.

18 Q You did think so?

19 A Yes.

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21 NO HIATUS HERE  
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1 Q Now, you have testified just a short while  
2 ago that you were on the fence as be-  
3 tween believe that this was just a bull  
4 session and something serious, is that  
5 correct?

6 A In February of '67?

7 Q In February of '67.

8 A Right.

9 Q I will read to you a direct quote from this  
10 same article and ask you whether you have  
11 any quarrel as to whether you said it or  
12 not:

13 "Russo said he did not take any of  
14 Ferrie's statements seriously until he  
15 saw Ferrie's picture in connection with  
16 Garrison's probe."

17 Do you deny having said that?

18 A No. Well, a couple of other things need to be  
19 thrown in there, too. That essentially is  
20 correct, that I didn't take much of what  
21 he said seriously, I stated that in the  
22 preliminary hearing. You didn't know  
23 whether to believe the man or not to be-  
24 lieve the man, so, in other words, I was  
25 indifferent, didn't make an opinion one way

1 or the other. So when it comes to this  
2 stuff, all the fantastic things that he  
3 had claimed in the past didn't ever occur  
4 the way he said it occurred or said they  
5 would occur or said that he had done them,  
6 all this flying -- he had been in the Bay  
7 of Pigs -- that is what he told me, he  
8 told somebody else something different --  
9 he was flying people out of Cuba and  
10 flying them back into Cuba, he was train-  
11 ing guys 17 or 18 years old with army caps  
12 and wooden rifles to invade Cuba -- Anybody  
13 that tells me that has got to be a little  
14 -- is he training somebody? I don't know.  
15 So you become indifferent to him, except  
16 he had the ability to back up, mentally  
17 at least, what he said.

18 Q Now, Mr. Russo, isn't it a fact that the conver-  
19 sation that you say that you heard up there  
20 at this party, as you have termed it, could  
21 just have well been an inconsequential  
22 bull session as any actual serious statement  
23 about a conspiracy to kill Kennedy?

24 MR. ALCOCK:

25 Objection, Your Honor, on the ground that

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/28/93

198

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1 Mr. Dymond has injected the word  
2 "conspiracy." This gentleman is not an  
3 attorney at law and --  
4 MR. DYMOND:  
5 I will rephrase the question to take the  
6 "conspiracy" out of it.  
7 THE COURT:  
8 All right.  
9 BY MR. DYMOND:  
10 Q Is it not a fact that the conversation you  
11 heard up there could have just as well  
12 have been an inconsequential bull session  
13 as it could have been anything serious?  
14 A Yes.  
15 Q Your answer is yes, Mr. Russo?  
16 A Yes, sir.  
17 Q Isn't it also a fact, Mr. Russo, that you have  
18 told people that very thing?  
19 A That what?  
20 Q That it could very well have been just a bull  
21 session?  
22 MR. ALCOCK:  
23 Objection, Your Honor. Mr. Russo's  
24 appreciation -- this question calls  
25 for a conclusion or an opinion from a

199'

RELEASED PER P.L. 102-586 (JFK ACT)

Reference copy, JFK Collection: HSCA (RG 233)

nonexpert witness.

MR. DYMOND:

If The Court please, this man was there.

THE COURT:

I believe Mr. Dymond is asking him his impression as a citizen, as an ordinary human being and not as an attorney, and I think he should answer the question.

MR. ALCOCK:

Very well.

MR. DYMOND:

Would you please read the last question back?

(Whereupon, the question was read back as follows: Question: Isn't it also a fact, Mr. Russo, that you have told people that very thing? Answer: What? Question: That it could very well have been just a bull session?)

BY MR. DYMOND:

Q Haven't you, Mr. Russo?

A Right, yes.

MR. DYMOND:

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Your Honor, could we take a few minutes  
break at this point?

THE COURT:

All right. It is ten and a half after  
4:00. Take the jury upstairs and  
we will take a five-minute recess.  
(Whereupon, a brief recess was  
taken.)

NO HIATUS HERE

200

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: HSCA (RG 233)

1 AFTER THE RECESS:

2 MR. DYMOND:

3 Your Honor, I am exhibiting something to  
4 the State now before I use it.

5 MR. ALCOCK:

6 Is there a date on it?

7 MR. WILLIAM WEGMANN:

8 It is February 24.

9 BY MR. DYMOND:

10 Q Now, Mr. Russo, after you granted the interview  
11 to Mr. Bankston of the Baton Rouge States  
12 Times, do you remember the names of the  
13 other reporters, either radio, television  
14 or newspaper, to whom you granted inter-  
15 views in Baton Rouge?

16 A There was Jim Kemp, that was in Baton Rouge.

17 Q I see.

18 BY THE COURT:

19 Q What was the name?

20 A Kemp, K-e-m-p. This was a fellow from WAFB.

21 I am not sure of his name.

22 BY MR. DYMOND:

23 Q Was that radio or television?

24 A That is television, Channel 2, and there was a  
25 fellow from Channel 4, Carrick.

201

RELEASED PER P.L. 108-636 (JFK ACT)  
NARA *DP* DATE *11/23/43*

Reference copy, JFK Collection: ESCA (RG 233)



1 Q Carrick?

2 A C-a-r-r-i-c-k -- I am not sure -- I think.

3 Q Go ahead. I am sorry.

4 A That was about it. I think there may be a  
5 couple of others.

6 Q So that then would be a total of three in addi-  
7 tion to Mr. Bankston. Is that correct?

8 A Right.

9 Q Would I be correct in saying that in none of  
10 these three interviews did you mention a  
11 conspiratorial meeting?

12 A No.

13 Q Would I be correct in saying that?

14 A Right.

15 Q I see. Would I be correct in saying that in  
16 none of these three interviews that you  
17 mentioned the name Oswald?

18 A No. Right.

19 Q You did not mention it?

20 A Right.

21 Q Would I be correct in saying that in none of  
22 these three interviews did you mention the  
23 name Clem or Clay Bertrand?

24 A Right.

25 Q Now, Mr. Russo, I am going to show you a type-

1 written transcription of what purports  
2 to be a recording of the interview which  
3 you granted to Mr. Jim Kemp of Station  
4 WAFB in Baton Rouge.  
5 MR. DYMOND:  
6 I have marked this exhibit for identifica-  
7 tion "D-3."  
8 (Whereupon, the document referred  
9 to by Counsel was duly marked for  
10 identification as "Exhibit D-2.")  
11 BY MR. DYMOND:  
12 Q (Exhibiting document to witness) Mr. Russo, I  
13 will ask that you examine it and tell me  
14 whether it appears to you to be a faithful  
15 transcription of the interview which you  
16 granted Mr. Kemp.  
17 A You want me to read it all the way?  
18 Q To yourself, yes.  
19 THE COURT:  
20 Read it to yourself.  
21 (There was a brief pause in the  
22 proceedings.)  
23 THE WITNESS:  
24 I am finished it.  
25 BY MR. DYMOND:

203

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 Q Would you say, Mr. Russo, that that is a faith- 204  
2 ful copy of the interview?

3 A Probably. I mean I can't be exactly sure in the  
4 words.

5 Q You see nothing in here though that you would  
6 quarrel with as having been said by you  
7 to Mr. Kemp?

8 A No, not that I would quarrel with, no.

9 Q I see.

10 MR. DYMOND:

11 If the Court please, in connection with  
12 the testimony of the witness we would  
13 like to offer, file, and produce this  
14 transcript in evidence, the same  
15 having been marked for identification  
16 "Exhibit D-8."

17 THE COURT:

18 Let me show you something, Mr. Dymond.

19 Article 403 states:

20 "Whenever the credibility of a witness is  
21 to be impeached by proof of any state-  
22 ment made by him contradictory to his  
23 testimony, he must first be asked  
24 whether he has made such statement and  
25 his attention must be called to the

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/23/23

Reference copy, JFK Collection: ESCA (RG 233)

RELEASED PER P.L. 108-626 (JFK ACT)  
NARA DATE 12/23/93

205

time, place and circumstance, and to  
the person to whom said statement was  
made, in order that the witness may  
have an opportunity of explaining that  
which is prima facie contradictory.  
If the witness does not distinctly  
admit making such statement, evidence  
that he did make it is admissible."

Here is a statement that more or less comes  
under the point. The rule of this  
article as to necessity for laying a  
foundation . . . whether the contra-  
dictions are offered to impeach the  
credibility of the witness or to show  
his malice to the accused. If the  
witness admits the contradictory  
statement, there can be no proof there-  
of offered though it be to show the  
falsity of the witness's explanation  
of why he made such statement."

(The above quotation transcribed  
without reference to the source.)

MR. DYMOND:

If the Court please, I have no quarrel with  
that.

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THE COURT:

The witness is here, has admitted making  
the statement. Under the rule, since  
he admits it, you can offer no proof  
of it.

MR. DYMOND:

If the Court please, I have no quarrel with  
that rule of law at all.

THE COURT:

If he admits it. If he denies it you can  
offer proof, but if he admits it you  
are estopped.

NO HIATUS HERE.

206

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 12/23/93

Reference copy, JFK Collection: HSCA (RG 233)

1 MR. DYMOND:

2 It is just a question of whether I go  
3 through this transcript, take each  
4 individual question and read it to  
5 him and ask whether he made it. I  
6 would be happy to do that.

7 THE COURT:

8 He has already admitted he made that  
9 statement. How can you ask the  
10 questions?

11 MR. DYMOND:

12 Your Honor, the Jury has no way of  
13 reading what statements he read.

14 THE COURT:

15 According to the Code, it is right to the  
16 question of credibility. He may be  
17 caught in a contradiction, but if he  
18 admits making it, you cannot offer  
19 the transcript.

20 MR. DYMOND:

21 I will ask him each statement.

22 THE COURT:

23 You have already given it to him to read.

24 MR. DYMOND:

25 If The Court please, I did that merely for

1 him to familiarize himself with it.

2 We have to get the information to  
3 the Jury.

4 THE COURT:

5 Let me hear from the State.

6 MR. ALCOCK:

7 Your Honor, I concede the dilemma

8 Mr. Dymond is in. If Perry Russo  
9 has admitted making essentially the  
10 statements made in there, the only  
11 way Mr. Dymond could get it to the  
12 Jury would either be to read it to  
13 the Jury or to ask question by  
14 question of the witness. I have no  
15 objection.

16 THE COURT:

17 All right. You want to read the state-  
18 ment?

19 MR. DYMOND:

20 I would like to read it to the Jury.

21 THE COURT:

22 What is it marked?

23 MR. DYMOND:

24 Defense No. 8.

25 THE COURT:

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You may read it if the State has no objection.

MR. DYMOND:

I take it The Court has accepted it in evidence?

THE COURT:

Any objection, Mr. Alcock?

MR. ALCOCK:

No.

THE COURT:

Let it be received.

NO HIATUS HERE

209

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: HSCA (Rg 233)



1 MR. DYMOND:

2 (Reading) INTERVIEW OF PERRY R. RUSSO by  
3 JIM KEMP, taken in Station WAFB, Baton  
4 Rouge, Louisiana.

5 BY MR. KEMP:

6 Q Mr. Russo, I wonder if you could tell us  
7 how did you come to know David Ferrie and  
8 how well did you know him?

9 A Well, I came to know Dave Ferrie back in  
10 New Orleans through a friend of mine who  
11 was at that time a member of the Civil  
12 Air Patrol, and actually, what transpired  
13 was the friend was having difficulty at  
14 home, and after talking to his family,  
15 the family blamed it on the guy, Dave  
16 Ferrie, and they said that he was messing  
17 up the boy's mind, he was making him  
18 want to leave home, he was going to  
19 alienate him away from the family. So I  
20 said, 'Well,' I said, 'there was probably  
21 nothing they could do,' because I had  
22 played ball a long time and had been asso-  
23 ciated with Al -- that's the boy -- for  
24 some time, and what actually happened was  
25 that I intervened and got on Al's side

RELEASED PER P.L. 108-636 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: NSCA (Pg 233)

1 and began to talk him away from Dave  
2 and finally he told Dave he didn't want  
3 to see him, didn't want to have anything  
4 to do with him. At that time, Dave made  
5 a personal threat against my life.

6 Q Dave Ferry did?

7 A Right.

8 Q Did you ever hear Ferry make any threaten-  
9 ing remarks about President Kennedy?

10 A Well, during the -- '63, that was an ex-  
11 tensive period of time that I knew him, in  
12 '62 and '63. Ferry was obsessed more or  
13 less with the idea of Kennedy and what he  
14 was doing to Cuba or to Castro, and what  
15 Dave Ferry was -- actually, at any  
16 instance coming over to the house. For  
17 one thing, I lived on Elysian Fields in  
18 New Orleans, and he would come over at  
19 night, you know, uncalled, anything like  
20 that, as was his habit. And we would  
21 talk, and generally speaking, I was a  
22 Republican. I was against Kennedy in  
23 general, you know, for policies. And  
24 that was the opening door and he could  
25 elaborate on the issue, and quite fre-

RELEASED PER P.L. 102-634 (JFK ACT)  
NARA 21 DATE 11/23/93

Reference copy, JFK Collection: HSCA (RG 233)

quently, and this is especially during the summer, he talked in general terms, not specifically about Kennedy, about how easy it would be to assassinate a president of the United States because of the fact he was in public view so much and unprotected more or less and there was so many people and the availability of exit and the fact that he could drive a plane to get out of the country, and he used to just posingly -- jokingly pose the question that, you know, he and I could do it; you know, just in a joking way, he said it could be done. And that was all of the conversation during the summer.

Q Did he ever make any more specific threat, like get him?

A Well, right. Now, in late September or During October, the month right prior to the Kennedy assassination in November, Dave Ferrie had occasion to come over to the house on several instances and I went to his place, and just passing, and he made specific references that, in

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA  
DATE 11/23/93

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1 talking about Kennedy, he said, 'We  
2 will get him and it won't be very long.'  
3 Now, the last time I can remember him  
4 saying that was sometime in October, but  
5 he was obsessed with that idea.

6 Q Did he ever mention Lee Harvey Oswald's  
7 name?

8 A No.

9 Q No conversation at all about --

0 A No. I had never heard of Oswald until  
1 the television of the assassination.

2 Q Did Ferrie ever mention that he was  
3 involved in any way with any Cuban exile  
4 group or with any other Cuban group or  
5 with Castro?

6 A Well, now, he never did mention he was  
7 in cahoots with any Cuban exile group.  
8 He talked in the vein that Castro was  
9 getting a bum deal from the papers and  
0 the press and the United States and from  
1 the United States Government itself by  
2 the economic sanctions or what have you,  
3 but primarily what he was doing here, and  
4 I had reference to the three Spanish-  
5 speaking guys that I would say possibly

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: HSCA (RG 233)

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: NSCA (RG 233)

5 1 could have been from Cuba, but I am not  
2 sure of that, but what he primarily was  
3 saying was that -- or what he was doing,  
4 in fact, was he had a group of Civil Air  
5 Patrol boys and they were eighteen,  
6 nineteen, twenty, somewhere around  
7 there, and they were practicing jungle  
8 warfare. Now, to me, that was, you know  
9 -- anybody -- everybody is entitled to  
10 their own kick, but he said that they  
11 were practicing so later on in their  
12 life the individual boys could help  
13 complete the liberation of the South  
14 American countries and make them freedom  
15 loving and democracies and the rest of  
16 the terms he used.

17 Q Was he the leader of this training group  
18 of jungle warfare?

19 A He was, right.

20 Q Did he ever mention Castro specifically?  
21 Did he ever say that he had ever met him?

22 A No, he -- the only thing -- reference he  
23 had to Castro was the fact that he said  
24 that Castro was not as bad as what we  
25 pictured him here in the United States

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1 and he was a good thing in Cuba, and he  
2 had changed the Cuban economy, and al-  
3 though they were in bad years now, that  
4 someday they would be in good years be-  
5 cause he was a good leader, more or less.

6 Q Did you ever talk to any of the asso-  
7 ciates of Ferrie's other than the fellow  
8 that you knew? Did you meet anybody else?

9 A He had a roommate on the street parallel  
10 with Louisiana Avenue, which I don't know  
11 the name of the street, which one it it.

12 MR. DYMOND:

13 That is a typographical error; it must be  
14 it is.

15 (Reading)

16 It may be Louisiana Avenue Parkway. I  
17 think it is Louisiana Avenue Parkway.  
18 But anyway, he had a roommate there. I  
19 talked to him on several occasions, but  
20 he was just sterile as regards to  
21 politics. It seemed to be. He'd talk  
22 about everything else.

23 Now, he had three Spanish speaking friends  
24 who didn't say anything in English, in  
25 front of me, anyway, and they spoke in

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA 2/23/93

Reference copy, JFK Collection: ESCA (RG 233)

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA 31  
DATE 2/3/93

Reference copy, JFK Collection: ESCA (RG 233)

1 Spanish. They were dressed in green  
2 fatigues, battle fatigues, and one had  
3 a beard.

4 Now, on one instance, he and two of his  
5 friends, the Spanish-speaking fellows,  
6 came over to the house, and another  
7 instance, I went up to his house and  
8 dropped in and he had a Spanish-speaking  
9 fellow there in battle fatigue.

10 Q You mentioned that there was something  
11 involving hypnotism with Ferrie, that he  
12 had practiced it?

13 A Well, Ferrie had shown me that he had  
14 received, I think, a doctorate of  
15 Psychology, he had received a medical  
16 degree that he could practice, and three  
17 other degrees, which I don't recall at  
18 this moment, and in his house, his  
19 first house that I met him in, which was  
20 out near the Kenner area or the Metairie  
21 area, he had surgery equipment which was  
22 kept very clean and things like that,  
23 and I had occasion -- that he gave us a  
24 demonstration in hypnotism at that time.  
25 Now, later on in talking to Al, Al Landry,

1 Al told me that Ferrie had used hypnotism  
2 on the members of the Civil Air Patrol  
3 when he was making aggressions -- sexual  
4 aggressions on them.

5 Q Let me ask you another question. Have  
6 you contacted the District Attorney, Jim  
7 Garrison? Have you talked with him about  
8 this?

9 A No. I wrote the District Attorney  
10 Garrison a letter which was mailed  
11 Thursday. They should have gotten it  
12 Friday, and I expected a reply by  
13 Monday or Tuesday.

14 Q You haven't heard from Garrison yet?

15 A No.

16 Q Do you believe in your own mind that  
17 he might have had anything to do at all  
18 with the assassination in any way?

19 A Well, see, that I don't know, and, you  
20 know, it would be just speculation.  
21 Dave Ferrie had the ability because of  
22 a keen mind and normal ability, say, in  
23 the sense of airplane driving. Now,  
24 whether or not he would have used that  
25 is another thing. Obviously, his level

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: HSCA (RG 233)



RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/28/93

Reference copy, JFK Collection: ESCA (RG 233)

1 of approach to the United States  
2 politics, that he disagreed with Kennedy,  
3 and to a real obsessive point of view.  
4 Now, what he would have done because of  
5 that, I don't know. It's only con-  
6 jecture that -- what I understand, that  
7 what the papers are saying and the news  
8 report on television is that Garrison  
9 and New Orleans claims that Ferrie was  
10 allegedly the pilot that would have  
11 driven the conspirator out of the  
12 country. Ferrie made the same remark  
13 that he could do that. This was during  
14 the summer in talking generally about  
15 assassinations of presidents and how it  
16 could be done. Now, whether he would  
17 have done that ultimately, I don't  
18 know, or whether he did do anything.

19 Q Let me ask you one final question. Why  
20 have you never said anything about this  
21 before? Didn't it strike you that it  
22 might have some connection?

23 A Well, when the assassination, of  
24 course, caught me by surprise and caught  
25 everyone else, I would guess, when it

finally was over and the Warren Report -- Warren Commission was set up and they intended to go and examine all of the details and made claims that it was going to do everything extensively, and I left it to the professional. And they were supposed to come out with the verdict. Then they came out with the verdict that Oswald was the only man. So I forgot it. Then Garrison began his probe and subsequently got in the newspapers in New Orleans. And then later on on television everywhere and in that probe, he said that there was a conspiracy and he could prove it. It still didn't ring a bell anywhere along the line. I just -- it was far from me that I would, you know, ever have met a person that would have been a conspirator to kill the President of the United States. Thereafter, when Dave Ferrie died, the name, I still doubted if it was the same guy. I just thought it was another Dave Ferrie. But when I saw his picture in the paper, then I knew it was the same

RELEASED PER P.L. 108-628 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: HSCA (RG 233)

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

1 man and I had just as well say something  
2 to someone. And I wrote the District  
3 Attorney the next day, and he should  
4 have gotten in Friday. Now, I saw the  
5 pictures this week.

6 Q You haven't talked with any federal  
7 agents or anybody from the Warren  
8 Commission about this?

9 A No, no one has contacted me. Actually,  
10 the first time I made a remark about this  
11 was today and -- to anyone in public  
12 was today, and I don't know --

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14  
15 NO HIATUS HERE.  
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Reference copy, JFK Collection: ESCA (RG 233)

1 BY MR. DYMOND:

2 Q Now, as I understand your testimony, Mr. Russo,  
3 you have no quarrel with the accuracy of  
4 that transcript, do you, sir?

5 A No, not essentially.

6 Q I see.

7 A A couple of words, you know, one word makes a  
8 difference in a transcript, you read it as  
9 "policies," this is "politics," it should  
10 have been "politics."

11 Q If I read any words which materially changed  
12 it, I wish you would call it to my atten-  
13 tion.

14 A Right off, that would be the only one.

15 Q I said "policies" instead --

16 A It should be "politics."

17 Q I see. Now, after you came to New Orleans,  
8 which would be subsequent to your interview  
9 with Mr. Sciambra, I don't know that you  
0 could call this an interview, but were you  
1 not approached in front of the Criminal  
2 Courts Building here by John Korbell of  
3 Channel 12 and Doug Ramsey of Channel 6  
4 after which approach certain statements  
5 were made by you were televised?

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 A I am not sure of the two men, but it occurred,  
2 yes, it occurred to a lot of people.

3 Q This occurred on March 1, 1967?

4 A Yes, I was approached by several people, and I  
5 don't know exactly their names for sure.

6 MR. DYMOND:

7 I will show you this document.

8 BY MR. DYMOND:

9 Q Mr. Russo, I show you a document which I have  
10 marked for identification "D-9," purporting  
11 to be a transcript of an interview with  
12 Perry Russo by John Korbell of Channel 12  
13 and Doug Ramsey of Channel 6 conducted in  
14 front of the Criminal District Court  
15 Building, 2700 Tulane Avenue, New Orleans,  
16 on March 1, 1967, and I will ask you to  
17 examine that and tell me whether you have  
18 any quarrel as to its being a faithful  
19 reproduction of the statements made by  
20 you on that occasion.

21 A (Referring to document) There are a couple of  
22 -- do you want me to point them out?

23 Q Yes, I wish you would.

24 A All right, this is Steve right here in it, Bea.

25 Q He is referring to Line 9, Page 1, would you

RELEASED PER P.L. 108-626 (JFK ACT)  
NARA SP DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 change that now?

2 A Yes (marking document). There would also be  
3 an explanation of this, but this is --  
4 there would be an explanation on Line 21  
5 to that answer of No, because that obviously  
6 was not the answer to the question on  
7 Line 20, it was an answer to a previous  
8 question.

9 Q Do you feel you gave an explanation at that  
10 time?

11 A Oh, no, I was just walking out of the building.

12 Q I will give you an opportunity to make that  
13 explanation.

14 A That is about it.

15 Q That's it?

16 A Yes, sir.

17 MR. DYMOND:

18 If the Court please, I understand there is  
19 no objection from the State, and con-  
20 sequently I will offer, file, and  
21 produce in evidence the document marked  
22 for identification "D-9."

23 THE COURT:

24 Any objection?

25 MR. ALCOCK:

1 No objection.

2 MR. DYMOND:

3 I will ask permission to read it to the  
4 Jury.

5 MR. ALCOCK:

6 No objection.

7 THE COURT:

8 You may read it.

9 MR. DYMOND:

10 This is an interview with Perry R. Russo  
11 by John Korbell, Channel 12, and Doug  
12 Ramsey, Channel 6, conducted in front  
13 of the Criminal District Courts Build-  
14 ing, 2700 Tulane Avenue, New Orleans,  
15 Louisiana, on March 1, 1967, an inter-  
16 view of Perry R. Russo, March 1, 1967,  
17 outside of the Criminal Courts Building  
18 Tulane Avenue and Broad Street, New  
19 Orleans, Louisiana, by John Korbell of  
20 WVUE TV, and Doug Ramsey of Channel 12,  
21 by Mr. Korbell, "Q What is your con-  
22 nection with David Ferrie?

23 "A I just knew him at one time or another,  
24 Steve, you got a cab?

25 "Q Down here in New Orleans?

RELEASED PER P.L. 108-626 (JFK ACT)  
NARA DATE 11/28/93

Reference copy, JFK Collection: EGCA (RG 233)

1 "A Yes, down here, nowhere in Baton  
2 Rouge, it was just all down in New  
3 Orleans.

4 "Q How long have you been down, how long  
5 were you down here in New Orleans  
6 before you went to Baton Rouge?

7 "A Oh, I lived here all my life, all the  
8 way up to '65, and actually --

9 "Q By Mr. Ramsey: Do you know Clay Shaw?

10 "A Clay Shaw, no, I don't, I don't know  
11 Clay Shaw.

12 "Q Would they have been questioning you  
13 and he at the same time together?

14 "A No, not together, no,"

15 and by Mr. Korbell,

16 "Q Has the District Attorney been question-  
17 ing you himself?

18 "A I would ask you that of the District  
19 Attorney."

20 THE WITNESS:

21 I would ask you to ask that, that is  
22 another correction, if you will.

23 MR. DYMOND:

24 I will ask you to ask that of the District  
25 Attorney? That for the record, that



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correction is made on Line 3 of Page  
2.

BY MR. DYMOND:

Q Continuing on,

"Q Will you be taking a lie detector  
test?

"A I don't know of any provisions for a  
lie detector test.

"Q But you will be back tonight or to-  
morrow?

"A We have done some tests but it has  
not been a lie detector test.

"Q What kind of tests?

"A Well, that would be their business to  
tell you about it.

"Q Was that electronic?

"A No.

"Q Is it on printed form?

"A No.

"Q Were they cross-examining you, so to  
speak?

"A You know you get into a real tedious  
situation, no, they were just question-  
ing us.

"Q Have you been shown any pictures?

226

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: HSCA (Rg 233)

1 "A NO."

2 MR. DYMOND:

3 That is the answer that Mr. Russo said he  
4 wanted to explain, and I will give  
5 him an opportunity to do so.

6 BY MR. DYMOND:

7 Q It goes on:

8 "Q Can you divulge who was involved in  
9 the pictures?

10 "A No, I cannot tell you who was -- well,  
11 obviously you know Ferrie would be one  
12 of them, obviously, but, I mean, I am  
13 not going to divulge who was in the  
14 pictures, no."

15 Now, Mr. Russo, you asked that I give you an  
16 opportunity to explain the answer to this  
17 question which appears on this transcript  
18 to be just a flat no. The question was  
19 "Have you been shown any pictures."

20 A Right. I was leaving the Court Building on  
21 Broad Street side of walking out, that is  
22 actually an answer to the previous question,  
23 just a repeat, I think, I was trying to get  
24 a cab at that time, and, you know, there  
25 were two guys, one on each side, you said

1           they represented two different stations,  
2           they were asking questions and so naturally  
3           in answer to the previous question, I don't  
4           think I heard that question.

5 Q       By that do you mean this was in answer to this  
6           question, "Were they cross-examining you,  
7           so to speak"?

8 A       Right, but I tried to answer that, and which was  
9           the answer, right, would you read the  
10          answer, please, so I will know what the  
11          answer was to that question, were they  
12          trying to cross-examine me.

13 Q       It says, "You know you get into a real tedious  
14           situation, no, they were just questioning  
15           us."

16 A       And I said "No" again, didn't I?

17 Q       Then you were --

18 A       This, I did not hear that question.

19 Q       Now, getting back to your testimony as to the  
20           first time or times that you think that you  
21           saw Mr. Shaw, you have testified that you  
22           have an idea that you may have seen Mr.  
23           Shaw at a Republican Headquarters. Is that  
24           correct?

25 A       Right.

229

1 Q When would that have been?  
2 A Oh, that would have been '58 or '59, something  
3 like that.  
4 Q Now, the Headquarters to which you refer, where  
5 was it located?  
6 A Well, it was down from the Trade Mart a couple  
7 of blocks, could have been on a side street  
8 or might have been on Camp, my recollection  
9 was it was on the corner, I think on Camp  
10 Street, up a couple of blocks from the  
11 Trade Mart.  
12 Q Now, was it your testimony that if this was  
13 Mr. Shaw that you saw on that occasion,  
14 that he was wearing a hat?  
15 A At that time, yes.  
16 Q Now, is it not a fact that in your testimony you  
17 are doubtful as to whether this was actually  
18 Mr. Shaw that you saw on that occasion?  
19 A Well, a man just walked in, might have been  
20 there 30 seconds or a minute, looked around  
21 at a couple of the buttons, a couple of --  
22 maybe bumper stickers or leaflets and walked  
23 out.  
24 Q But you would not say positively that was Mr.  
25 Shaw at that time?

Reference copy, JFK Collection: ESCA (RG 233)

1 A I would not want to do that, right.

2 Q Now, Mr. Russo, getting back to the interview  
3 which you granted to Mr. Bankston, the  
4 Baton Rouge States Times reporter in Baton  
5 Rouge, he quotes you as having told him  
6 that Ferrie said to you, "We will get him  
7 and it won't be long." When were you tell-  
8 ing him that Ferrie had made that statement  
9 to you, when did Ferrie say that?

10 A I was not very specific about that, we talked  
11 about 45 minutes at the States-Times Build-  
12 ing, and, no, I was not very specific about  
13 that at all, I don't remember.

14 Q Do you know now at what particular time you have  
15 reference to when you were relating Ferrie's  
16 having told that to you?

17 A I know Ferrie said it two or three times, and  
18 he said something similar to that at the  
19 party, he said it before, in previous dis-  
20 cussions, you know, when he would start a  
21 15 or 20-minute speech, about Kennedy, or  
22 he said it I think as late as October, but I  
23 am not real sure at that time.

24 Q Now, you have also testified that you saw Mr.  
25 Shaw at the Nashville Street Wharf or

1 Nashville Avenue Wharf upon the occasion  
2 of President Kennedy's visit here in New  
3 Orleans. Now, with whom did you go to  
4 the Nashville Wharf?

5 A As I remember, it was a friend of mine from  
6 Loyola.

7 Q Do you remember his name?

8 A I think it was Al Saizan.

9 Q Have you spoken with Al Saizan about this  
10 incident to determine whether or not it  
11 was he who was with you?

12 A About the Nashville Wharf?

13 Q That is correct.

14 A I had an occasion to talk with him once, but I  
15 didn't even ask him about that.

16 Q Is that since your coming here to New Orleans  
17 after meeting with Mr. Sciambra that you  
18 spoke with Al Saizan about this?

19 A Well, I spoke with him but not about this, but  
20 it was since, yes, I would guess it was  
21 the summer of '67.

22 Q I see. And it is my understanding that you  
23 considered it peculiar that Mr. Shaw was  
24 not watching the President up there on  
25 Nashville Avenue?

23  
NARA  
RELEASED PER P.L. 102-686 (JFK ACT)  
DATE 11/28/93

Reference copy, JFK collection: ESCA (RG 233)

1 A That is what caught my eye, yes.

2 Q Is there any particular reason why you were

3 watching Mr. Shaw rather than watching

4 the President up there?

5 A Well, I was behind him about ten feet, 15 feet,

6 maybe, behind him, I went in the back of

7 the shed, and I was standing behind him,

8 and that is the first thing -- he is very

9 impressing physically, that might have

10 been the thing, it was not a point of him

11 not looking at the President all of the

12 time, because then if I knew that all of

13 the time, then I would not have been looking

14 at the President all of the time either, but

15 all of the time that I looked towards him

16 he was not looking at the President.

17 Q Did you know that Mr. Shaw was on Mayor Schiro's

18 Committee to greet the President at that

19 time?

20 A No, I did not.

21 Q You did not know?

22 A No, sir.

23 Q Had you known that, would you have considered it

24 peculiar that he was not looking at the

25 President up on the wharf?

1 A Well, I would have considered it peculiar that 233  
2 he was not somewhere up there instead of  
3 way back here.  
4 Q Now, you said that you think Mr. Al Saizan  
5 who went up there with you, how did you  
6 get up to Nashville Avenue Wharf?  
7 A I think we drove over as far as we could.  
8 Q In whose car?  
9 A I am not sure, I think it was mine.  
10 Q Was anyone else with you besides Al Saizan?  
11 A Well, I am not sure it was Al Saizan, but there  
12 was only two of us, just a friend of mine  
13 and myself.  
14 Q Now, getting to the account which you have  
15 given of the talk that you heard on  
16 Louisiana Avenue Parkway, where had you  
17 been earlier on that evening?  
18 A Well, probably up at Tulane or Loyola, I am  
19 inclined to believe it was Tulane, we used  
20 to go up there and play basketball there,  
21 Rosenwald's, sometimes Loyola if we could  
22 get in, and it was probably either Tulane  
23 or Loyola.  
24 Q Now, are you able to tell me who was with you  
25 that night, who was playing basketball

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)



234  
 RELEASED PER P.L. 108-628 (JFK ACT)  
 NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (Pg 233)

1 with you?

2 A Well, I did the same thing, you know, every

3 week, I did about the same thing, played

4 basketball a lot, most of the people came

5 to my house, sometimes we had small parties

6 there, I went to political meetings, this

7 Charlton Lyons thing was during '63, and

8 I cannot be sure who was there with me

9 although probably playing basketball, I

10 would think Kenny Carl was playing basket-

11 ball.

12 Q Let me ask you this: Are you conjecturing that

13 you must have been playing basketball that

14 night or do you have specific recollection

15 that you had been up there playing basket-

16 ball?

17 A No, I don't have specific recollection of it,

18 but I was up in that neighborhood up at

19 the University for some reason or another,

20 and the only reason I went up there was for

21 studies, class, education side and also

22 the athletics side.

23 Q You were attending the University at that time?

24 A In '62 I was attending Loyola.

25 Q Now, how about '63?

1 A In '63 I was attending Loyola.

2 Q All right. So you would have had occasion to

3 be up in that neighborhood for things

4 other than playing basketball?

5 A Well, classes, yes, that would be other things.

6 Q Is there any particular reason that you say that

7 you were probably playing basketball on

8 this particular occasion?

9 A Well, because I just remember having tennis shoes

10 on or being dirty or sweaty or something

11 to that effect, you know, that I was not

12 clean, probably played basketball.

13 Q Did you attend many football games here in

14 New Orleans or not?

15 A I used to follow Tulane regularly, but after a

16 while I stopped.

17

18 NO HIATUS HERE.

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235

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 12/28/93

Reference copy, JFK Collection: ESCA (RG 233)

2-1

1 Q Did you used to get dressed up to go to foot-  
2 ball games or did you just wear casual  
3 attire?  
4 A Casual attire.  
5 Q Would you sometimes wear tennis shoes to these  
6 games?  
7 A No, not very likely.  
8 Q You would not say definitely no, though, is  
9 that right?  
10 A I would not say definitely not.  
11 Q Do you remember having attended the Tulane-  
12 Miami football game in 1963 when  
13 George Myra was the quarterback for  
14 Miami?  
15 A I am sure I attended it.  
16 Q Do you remember having seen George Myra play  
17 here?  
18 A No.  
19 Q You say you are sure you attended that one,  
20 could you tell us with whom you attended?  
21 A Well, again, you know, I am not sure of who I  
22 was with, I was more a baseball enthusiast  
23 and basketball enthusiast more than foot-  
24 ball, although during that period of a  
25 year with football, I would go to the

236

RELEASED PER P.L. 108-628 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCH (RG 233)

1 games, I was an avid Tulane follower.  
2 Q You went to just about all of the local Tulane  
3 games, would you not?  
4 A Yes.  
5 Q And you had no specific recollection --  
6 A I am sure I went with Peterson, I probably  
7 went with Moffett, probably -- some of  
8 the friends of mine from Loyola.  
9 Q By Moffett, do you mean Sandra Moffett?  
10 A Yes.  
11 Q Niles Peterson?  
12 A Right.  
13 Q He is also known as "Lefty?"  
14 A Lefty, right. I am sure that perhaps Kenny  
15 Carter came to a couple of games, Kenny  
16 Wink went to games.  
17 Q Now, Mr. Russo, you have told us about going  
18 to this party. Can't you remember where  
19 you left from to go to that party?  
20 A Well, no, not really. I am just inclined to  
21 say I was out playing basketball that  
22 night but I am not real sure of that.  
23 I did essentially about the same thing  
24 every week, you know, and which night it  
25 was for what, I am not sure.

1 Q Do you recall what night of the week this was?  
2 A No.  
3 Q Can you give us a specific date?  
4 A No.  
5 Q Do you know whether it was a week-end night  
6 or a night during the week?  
7 A No, I know school had not started.  
8 Q School had not started?  
9 A No, it would not have made much difference as  
10 to the week-ends versus the week on  
11 account of that.  
12 Q Now, you testified that some people other than  
13 yourself actually went into David Ferrie's  
14 apartment that night. Is that correct,  
15 with you?  
16 A Well, on the preliminary examination back in  
17 March, at that time I stated I was not  
18 exactly sure who I went with, I was sure  
19 I was with people. Of course you did  
20 ask me to become a little clearer and  
21 you were asking me to state the names,  
22 but essentially I am not sure who I was  
23 with, I am almost sure I was with people.  
24 Q You can't say who you were with?  
25 A No, I had the same associates every night, I

238

RELEASED PER P.L. 108-628 (JFK ACT)  
NARA DATE 11/28/93

Reference copy, JFK Collection: ESca (Rg 233)

2-4

1 can remember more of what I did or what  
2 instances, for example, on basketball  
3 games, if there was a fight or someone  
4 scored 35 points in a game, I remember  
5 that more than I remember who was with  
6 me.

7 Q Would you have had a girl with you if you were  
8 going up to play basketball?

9 A Surely.

10 Q You would?

11 A Absolutely.

12 Q Would you say you do not remember who actually  
13 went into David Ferrie's house with you.  
14 Is that right?

15 A No, I would not be willing to state exactly  
16 who went.

17 Q I am reading to you from your testimony during  
18 the preliminary hearing commencing at the  
19 top of page 152 of the transcript, "You  
20 cannot name one of them, can you," and  
21 the answer is "There were friends there,  
22 I could tell you who I associated with  
23 at the time, I am sure it was one of them.  
24 Question, Can you name one of the three  
25 or four people who went with you to the

239

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA 37  
DATE 11/28/93

Reference copy, JFK Collection: BSCA (RG 235)

2-5

240

Oswald apartment, the party which you testified to, I meant Ferrie's apartment in mid-September of 1963, Answer, Peterson was with me that night, I am sure he came inside, I will not testify for him, but I am sure he came inside. Question, Did he go to the house with you in the same vehicle? Answer, Well, we had two or three cars, we were up playing basketball at that school, there was just a bunch of people, a bunch of guys and girls, we had either finished studying or what, I don't know, what particular reason we were up there at school, I was always up there late at night, every night, and so I just drove back, and I don't think I was in my own car because I don't think I had a car at the time, who stepped in with me I am sure Lefty did."

Could you tell me why at this time you cannot say who went inside the party with you?

A Well --

Q Just one moment, please. Whereas at the time

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: HSCA (RG 233)

1 of the preliminary hearing you stated  
2 that you were sure that Lefty Peterson  
3 had gone in with you?

4 A Well, if you will check back, you will check  
5 back a couple of pages on a couple of  
6 pages before that, I am going to para-  
7 phrase you here, I am not sure what your  
8 question was, after some questions  
9 concerning who was there and who was not,  
10 I said I would not be willing to say, you  
11 say how in the world can you remember how  
12 a person was dressed and you can't remem-  
13 ber who you were with, and I said well,  
14 -- and then you kept pushing, now, I  
15 had given you those after you pushed, and  
16 I am willing to state possibly those  
17 people were there, but I am not going to  
18 swear to them being there.

19 Q But you did say that at the time of the pre-  
20 liminary hearing that you were sure  
21 Lefty Peterson was there, you don't  
22 quarrel with that?

23 A That is an abridgement of my first position  
24 there, and I maintain the first  
25 position now.



1-2-8

1 associated with the same people, and  
2 probably it could have been either those  
3 two or several others that I associated  
4 with at that time, but as far as me  
5 remembering who was there, I more remember  
6 the people that I saw than the people that  
7 I was with because I associated with the  
8 same people every day.

9 Q So you would not be willing to definitely say  
10 now that Sandra Moffett and Niles  
11 Peterson went into the party with you?

12 A I said that only after you had forced me  
13 into that position, I said it.

14 Q I forced you to say these two people were  
15 definitely with you?

16 A If you will let me have that for one minute, I  
17 will show you the question I was talking  
18 about, it is in there somewhere, right  
19 here, sir, I could not find it exactly,  
20 from about right here, sir.

21 Q Did you find the part that you have reference  
22 to?

23 A Page 150, after the 15th, you say, is the  
24 question, and the answer is yes, and  
25 then would you call the 20th the latter

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RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/28/93

Reference copy, JFK Collection: ESCA (RG 233)

-2-7

1 Q I'm referring now to the second to last ques-  
2 tion on the bottom of page 152, "Question,  
3 You are sure Lefty was in the car with  
4 you," and the answer is "I am sure he  
5 stepped up with me, I don't know if he  
6 was in another car or not." "Question,  
7 Well, give us the names of all of the  
8 other people who went there in all of  
9 the cars that went with you." "Answer,  
10 I don't remember all of the cars that  
11 went with me, inside I would say Lefty  
12 Peterson was there and Sandra Moffett,  
13 and that is all I can say, say definitely,  
14 would be willing definitely to say was  
15 there."  
16 Now, will you tell us why back at  
17 the time of the preliminary hearing you  
18 were willing to say definitely that  
19 Sandra Moffett went into the party with  
20 you and you testify now that you do not  
21 know who went in?  
22 A On Direct, the preliminary hearing as well as  
23 Cross on the preliminary hearing you asked  
24 me several times who was there and I kept  
25 giving you the same answer that I said, I

243

RELEASED PER P.L. 108-628 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 part of the month, answer it would  
 2 probably be the middle also, you have  
 3 testified as to having attended this  
 4 party at Ferrie's apartment in mid-  
 5 September of 1963, how did you get up there  
 6 to the apartment, and the answer, I was  
 7 -- that I was brought up, by home, one  
 8 or the other of my friends, one of the  
 9 other of your friends is the question, and  
 10 the answer is yes, and you don't remember  
 11 what friend brought you up there, and the  
 12 answer -- at that period of time, many  
 13 people were with me at that time, the  
 14 question is Russo, you don't -- you did  
 15 not have very much trouble testifying --  
 16 and it goes on, by Mr. Ward, I would like  
 17 to make an objection, he is assuming a  
 18 fact, and it is argumentative, and Judge  
 19 Bagert sustained it, and it goes on can  
 20 you explain why your memory -- and Mr. Ward  
 21 says I object, Judge Bagert sustains it,  
 22 improper question, you are testifying that  
 23 you don't know who took you there, and the  
 24 answer is I am testifying I was with a  
 25 bunch of people, how many people, maybe

24  
 RELEASED PER P.L. 102-626 (JFK ACT)  
 NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 three others besides myself, and you can't  
2 name one of them, can you, and Mr. Ward  
3 says I object, he never asked that ques-  
4 tion before, and Judge Baggart says  
5 objection overruled, you cannot name one  
6 of them, can you, there were friends  
7 there, I can tell you who I associated  
8 with at the time, I am sure it was one  
9 of them, and that is the position that I  
10 took at the preliminary hearing.

11 Q And it was because of that line of questioning  
12 that you stated that you could definitely  
13 say that Sandra Moffett and Lefty  
14 Peterson went inside, is that right?

15 A Because of that line of questioning that I  
16 could definitely say what?

17 Q That Sandra Moffett and Niles "Lefty" Peterson  
18 went into the party with you.

19 A At that time it would be a probable guess that  
20 one of those two or both of these two  
21 would have been with me, I associated  
22 with them as well as quite a few other  
23 people.

24 Q You don't state a probable guess as a definite  
25 fact when you are testifying, do you,

1 sir?

2 A You asked me over and over and I gave you an  
3 answer over and over and you still want  
4 the same question answered, and I am  
5 trying.

6 MR. DYMOND:

7 Do you want me to go on to something  
8 else?

9 THE COURT:

10 It is 5:31. I think this is a good  
11 time to stop.

12 Let everybody have a seat.

13 Do not discuss your testimony  
14 with any other persons, but of course  
15 that does not prevent the District  
16 Attorney from speaking to you, you  
17 are a State witness, but no one else  
18 should call you up and ask you about  
19 your testimony.

20 Gentlemen, we are going to  
21 adjourn for the evening. I will ask  
22 the Sheriffs to step in who are in  
23 charge.

24 Do not discuss the case amongst  
25 yourselves or with anyone else until

246  
RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESQA (Pg 233)

F-2-12

1

it is finally given to you for your  
verdict.

2

3

Let everybody have a seat.

4

5

Take charge of the Jury,  
Sheriff, and have them here tomorrow  
morning for 9:00 o'clock.

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C E R T I F I C A T E

I, the undersigned, Helen R. Dietrich. do  
hereby certify:

That the above and foregoing (247 pages of  
typewritten matter) is a true and correct transcription  
of the stenographic notes of the proceedings had herein,  
the same having been taken down by Charles A. Neyrey,  
Paul W. Williams, and the undersigned, and transcribed under  
our supervision, on the day and date hereinbefore noted,  
before the Criminal District Court, Parish of Orleans,  
State of Louisiana. in the matter of State of Louisiana  
vs. Clay L. Shaw, 198-059 1426(30) Section C on the  
10th day of February, 1969. before the Honorable Edward  
A. Haggerty, Jr., Judge, Section "C".

New Orleans, Louisiana, this 10th day of  
February, 1969.

Helen R. Dietrich

Date:08/:  
Page:1

JFK ASSASSINATION SYSTEM

IDENTIFICATION FORM

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AGENCY INFORMATION

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DOCUMENT INFORMATION

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STATE OF LOUISIANA V. CLAY L. SHAW  
RUSSO, PERRY RAYMOND  
RYAN, JOSEPH P.  
OSWALD, LEE, POST RUSSIAN PERIOD, POLITICAL & SUBVERSIVE  
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NARA DATE 11/23/93



000011

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.....  
STATE OF LOUISIANA . 198-059  
VS. . 1426 (30)  
CLAY L. SHAW . SECTION "C"  
.....

PROCEEDINGS IN OPEN COURT,  
Tuesday, February 11, 1969

B E F O R E : THE HONORABLE EDWARD A. HAGGERTY, JR.,  
JUDGE, SECTION "C"

Dietrich & Pickett, Inc.  
*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130-522-3111

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DATE 11/23/93  
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NARA *[Signature]* DATE 11/23/93

# INDEX

WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS
Joseph P. Ryan	251	--	--	--
PERRY RAYMOND RUSSO		253	481	492

## EXHIBITS

EXHIBIT	IDENTIFIED	OFFERED	RECEIVED
D-1		368	368
D-2		368	368
D-10	359	361	361
D-11	359	361	361
D-12	470		
D-13	473		
S-12-T		506	506
S-13-T		506	506
S-15-T		505	505
S-16-T		507	507
S-17-T		507	507
S-18		509	509
S-19		505	505
S-21	483	504	504
S-22	483	504	504
S-23	483	504	504
S-24-T		507	507

1 . . . . Pursuant to the adjournment of  
2 Monday, February 10, 1969, the proceedings  
3 in open Court were resumed at 9:00 o'clock  
4 a.m., on Tuesday, February 11, 1969,  
5 appearances being the same as heretofore  
6 noted in the record . . . .

7 THE COURT:

8 I trust you gentlemen had a good night.

9 Let it be noted in the record that the

10 Jury is here, the Defendant is here,

11 all counsel are present.

12 Is the State and Defense ready to proceed?

13 MR. ALCOCK:

14 The State is ready.

15 MR. DYMOND:

16 We are ready.

17 MR. ALCOCK:

18 The State would ask it be allowed -- a

19 subpoena duces tecum had been issued

20 yesterday, and we have a return today,

21 and in conjunction with that I would

22 like to call Mr. Ryan to the stand.

23 THE COURT:

24 Mr. Ryan, step up, please.

25 JOSEPH P. RYAN,

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RELEASED PER P.L. 102-696 (JFK ACT)  
NARA *duke* DATE 11/23/93

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RELEASED PER P.L. 102-286 (JFK ACT)  
NARA *[Signature]* DATE 11/23/93

was examined and testified as follows:

251

DIRECT EXAMINATION

BY MR. ALCOCK:

Q State your full name and occupation.

A My name is Joseph P. Ryan, Director, Office of  
Personnel, New Orleans Post Office.

Q How long have you been employed by the Post  
Office, Mr. Ryan?

A Twenty-nine years.

Q Mr. Ryan, did you come to Court today prepared  
to honor the subpoena duces tecum served  
upon the Post Office yesterday by the  
Orleans Parish District Attorney's Office?

A I am ready.

Q May I see what you have brought with you in  
response to that subpoena, may I have a  
few moments, Your Honor, to peruse it?

THE COURT:

Yes.

BY MR. ALCOCK:

Q I notice in glancing over the material that you  
have submitted to us in response to our  
subpoena duces tecum, referring you  
specifically to Post Office Department Form  
3546, with which you have provided us, you

Reference copy, JFK Collection: HSCA (RG 233)

RELEASED PER P.L. 102-586 (JFK ACT)  
NAME *Smith* DATE 11/23/93

252

1 have provided us with a copy of this back  
2 part, and would it be possible also to get  
3 a copy of the front, we can make it in our  
4 office.

5 A Yes, I see no reason why not.

6 MR. ALCOCK:

7 Other than that, the State is satisfied  
8 with the return on the subpoena duces  
9 tecum.

10 THE COURT:

11 Are you going to take these from him and  
12 put them in the record?

13 MR. ALCOCK:

14 It has not been introduced into evidence,  
15 this is just our subpoena to him for  
16 our use in the case. If you want to  
17 keep them --

18 THE COURT:

19 Do you wish to mark them for identification  
20 purposes?

21 MR. ALCOCK:

22 Not now.

23 THE COURT:

24 You are satisfied with the return?

25 MR. ALCOCK:

Reference copy, JFK Collection: HSCA (RG 233)

RELEASED PER P.L. 102-686 (JFK ACT)  
DATE 11/23/93  
NARA

1 Yes, Your Honor.

2 THE COURT:

3 Have you any questions, Mr. Dymond?

4 MR. DYMOND:

5 No questions.

6 THE COURT:

7 For the record, that was a return on a  
8 subpoena duces tecum served on the  
9 Postmaster, Paul V. Burke, and this  
10 return was made by his representative,  
11 Mr. Ryan.

12 Are you ready to proceed?

13 MR. ALCOCK:

14 Yes, Your Honor.

15 MR. DYMOND:

16 We are ready.

17 THE COURT:

18 Let's call Mr. Russo.

19 Just for the record, the previous oath you  
20 took yesterday is still binding on  
21 you, sir.

22 You may proceed.

23 PERRY RAYMOND RUSSO,

24 a witness called by and on behalf of the State,  
25 having been sworn and having testified previously,

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resumed the stand for a continuation of the

254

CROSS-EXAMINATION

BY MR. DYMOND:

Q Mr. Russo, on direct examination yesterday did you tell the entire story as you recollected it in connection with the meeting which you say took place on Louisiana Avenue Parkway in September of 1963?

A To Sciambra in Baton Rouge?

Q No, on your direct testimony yesterday, when questioned by Mr. Alcock.

A Well, what -- I don't know the -- exactly what information you want.

Q I want to know whether you gave a complete account of this party and what has been termed a conspiratorial meeting when you testified on this direct examination under questioning by Mr. Alcock.

A Well, I don't know, I answered the questions, I tried to answer the questions he asked. I don't know if there were any omissions in there, though.

Q To your knowledge, in his questioning did he leave out anything?

A Not apparently.

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DATE 11/23/93

Reference copy, JFK Collection: HSCA (RG 233)

RELEASED PER P.L. 102-286 (JFK ACT)  
NARA *chick* DATE 11/23/93

1 Q In other words, you are not able to name any-  
2 thing that he did not cover in his question-  
3 ing of you concerning this meeting and  
4 party. Is that right?  
5 A No, not immediately.  
6 Q I see. Now, Mr. Russo, during the meeting which  
7 you say took place after the other guests  
8 left, did you contribute anything at all  
9 to the conversation?  
10 A No, I was most of the time going in and going  
11 back out down the street, down to the  
12 street a lot of times. I didn't hear the  
13 entire conversation.  
14 Q So you were in and out then during this time  
15 when you say these people were talking. Is  
16 that right?  
17 A Yes.  
18 Q And of course you would not know what went on  
19 when you were out of the room, would you?  
20 A Right, no.  
21 Q Would I be correct then in saying, Mr. Russo,  
22 that you only heard portions or fragments  
23 of the conversation which took place there  
24 in view of the fact that you were in and  
25 out of the room?



1 A Yes.

2 Q And then you would not purport to have heard  
3 the entire conversation as a matter of  
4 continuity, would you?

5 A No.

6 Q Now, Mr. Russo, referring to what you did hear  
7 of this conversation between the parties  
8 whom you say were Leon Oswald, Clem  
9 Bertrand and David Ferrie, was there ever  
10 any actual agreement to kill John F.  
11 Kennedy?

12 MR. ALCOCK:

13 I object to the question.

14 THE COURT:

15 I sustain the objection. That is a ques-  
16 tion for the Jury to decide.

17 MR. ALCOCK:

18 My objection is based upon the fact that  
19 agreement can be reached between per-  
20 sons using different words, it is a  
21 meeting of the minds, and as the Court  
22 points out, this is something for the  
23 Jury to determine. This man can't  
24 state whether or not there had been  
25 agreement between these men, and

256

RELEASED PER P.L. 102-536 (JFK ACT)  
NARA DATE 11/23/93

1 additionally --

2 MR. DYMOND:

3 I will break the question down, if the  
4 Court please.

5 BY MR. DYMOND:

6 Q In your presence, did David Ferrie ever agree  
7 to kill the President of the United States,  
8 John F. Kennedy?

9 A He said, "We will kill him."

10 Q He had said that many times before, had he not?

11 A Right.

12 Q As a matter of fact, he had made that direct  
13 statement to you alone, had he not?

14 A Right.

15 Q Did Leon Oswald ever, in your presence, agree  
16 to kill the President of the United States?

17 A No.

18 Q Did Clem Bertrand ever agree to kill the  
19 President of the United States?

20 A No.

21 Q Would I be correct in saying then that you never  
22 heard anyone actually agree to kill the  
23 President of the United States?

24 A Well, when you say "agree," it is the problem,  
25 that is the word "agree," you know, I mean,

25

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA DATE 11/23/93

1 all I do is hear people talking about it,  
2 I don't know if they agreed or not. It  
3 would seem to me they were in agreement  
4 as far as certain things were concerned,  
5 I don't know if they actually -- I can't  
6 remember either any of the three ever  
7 saying yes, this is how we will do it,  
8 let's do it this way.

9 Q Did you ever hear anybody say, "We will do it"?  
10 A Dave Ferrie, "We will get him."  
11 Q "I will get him" or "We will get him," the  
12 same he had said many times before?  
13 A "We will get him," he didn't say, "We will do  
14 it."  
15 Q When was the first time you ever heard Dave  
16 Ferrie say that?  
17 A Oh, sometime in the Summer.  
18 Q Several months before this meeting that you  
19 have reference to. Is that correct?  
20 A Well, it was between, you know, June and July  
21 or August.  
22 Q When Ferrie told you this individually, as you  
23 have testified, did you ever agree with  
24 Ferrie that it was a good idea, tacitly  
25 go along with him?

258

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA *Druck* DATE 11/23/93

1 A I told him that it would be extremely difficult 259  
2 to do something like that, and that he  
3 didn't have much hope of success.  
4 Q Did you ever verbally indicate disagreement with  
5 the idea, Mr. Russo, when Ferrie told you  
6 this privately?  
7 A Well, I told him it would not be possible.  
8 Q But you never did say that it was not a good  
9 idea or affirmatively state that you would  
10 not help him, did you?  
11 A Well, all he was doing was lecturing, and he  
12 would state this -- there are two things,  
13 the front and the back of the auditorium,  
14 this idea of his, where the back man fires  
15 a shot just to attract attention, a real  
16 quick shot, and almost instantly a man in  
17 front fires a dead-end shot for the  
18 speaker, that would be in the front of  
19 the auditorium, and it was not much of a  
20 conversation, he just stated the facts.  
21 I said, "Well, that is impossible."  
22 Q And it was quite common for Ferrie to lecture  
23 in this way as you have put it, was it not?  
24 A Right.  
25 Q In all fairness, would you say he may have been

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NARA DATE 11/23/93

1 just lecturing at this meeting?

2 A I can't really say he was lecturing or not. He

3 seemed to be talking with the Defendant

4 and also with Oswald, with some exchange

5 from him.

6 Q Just as he had talked to you on previous occa-  
7 sions. Is that right?

8 A On one occasion, yes.

9 Q And actually there was some exchange on that  
10 occasion and you told him that you didn't  
11 think it would be possible and so forth,  
12 was there not?

13 A Right.

14 Q Now, Mr. Russo, Dave Ferrie was what you would  
15 term an emotional man, was he not?

16 A No.

17 Q He didn't get excited and talk about things  
18 and repeat himself upon many occasions?

19 A Well, he repeated himself on quite a few occa-  
20 sions, but he had a very good analytic  
21 brain, and, no, he did not get very  
22 emotional about things, he would talk at  
23 great length, at times he would get a  
24 little -- where he would be trying to prove  
25 a point and use his hands to get over the

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA *Shuck* DATE 11/23/93

subject, whether it be about -- well, what-  
ever he wanted to talk about.

Q You would term him an opiniated man, would you  
not?

A Opiniated, yes.

Q Was he vociferous about his opinions, did he  
speak about them a great deal, he expressed  
his opinions a great deal, tried to convert  
people to his opinions a great deal?

A In certain areas.

Q What do you mean when you say "In certain  
areas," any particular --

A He had a peculiar philosophy where his interests  
were. He had a peculiar philosophy in  
politics, he had, to me, a strange  
philosophy as far as the rationale of  
religious convictions, he talked a great  
deal about scientific things, but, I don't  
know what he talked about most of the time,  
he talked a little bit about cancer, he  
talked a little bit about -- quite a bit  
about hypnosis, things of this sort, those  
are the things that interested him and he  
did talk about them at some length, but at  
that time he was trying to prove a point,

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RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

1 not really trying to convert someone,  
2 but he did know quite a bit about the sub-  
3 ject that he talked about.

4 Q Being the opiniated man that you say that  
5 Ferrie was and with this tendency to ex-  
6 press his opinions as you have described,  
7 is it not a fact that he would not be out  
8 of character at a party of this kind saying  
9 that the President should be killed and  
10 "We will get him," as he said many times  
11 before?

12 A Are you asking me was he out of character for  
13 that?

14 Q That is correct, yes.

15 A No, I don't think so.

16 Q In other words, that was something that you,  
17 knowing David Ferrie, would have more or  
18 less expected, isn't that right?

19 A More or less.

20 Q What you heard that night came as no great  
21 shock to you, did it?

22 A No, I agree.

23 Q As a matter of fact, Mr. Russo, if you had really  
24 taken this as a serious threat upon the  
25 life of President Kennedy, wouldn't you

RELEASED PER P.L. 102-836 (JFK ACT)  
NARA SNL DATE 11/23/93

263

RELEASED PER P.L. 102-896 (JFK ACT)  
NARA *du* DATE 11/23/93

1 have gone and reported it to the FBI or  
2 the Secret Service, if you had really  
3 thought the President was going to be  
4 killed as a result of this?

5 A Probably if it was the first time I ever met  
6 Dave Ferrie I would have, but this was  
7 preceded by 18 or 20 months.

8 Q But in view of the fact that you knew Dave  
9 Ferrie, you didn't take it seriously.  
10 Isn't that right?

11 A Well, Dave Ferrie was the type of person you  
12 really didn't know whether you could take  
13 him seriously or not. In many instances  
14 he backed up what he would claim. If I  
15 could reflect back to Kenner, on that dis-  
16 cussion on politics, where I was a Freshman  
17 or a Sophomore in college, I felt that I  
18 knew quite a bit about everything there was  
19 to know about political theory, and he just  
20 put me in my seat, he quoted book, chapter  
21 and verse, and later I found out he was  
22 right, I didn't look at the book and turn  
23 to Page 368, Paragraph 2, but in several  
24 ways he did back up what he said, and this  
25 hypnosis, he backed that up, I am sure it



264  
1 was not fake, I don't think it was fake  
2 or anything, and you couldn't really tell  
3 because some of the fantastic things that  
4 he said at the same time you could not --  
5 I just sat there, I didn't have any real  
6 opinion whether he would back anything he  
7 said up, but I would not be surprised if  
8 he did because he had backed things up  
9 before.

10 Q Actually, though, it was your knowledge or  
11 intimate knowledge of Dave Ferrie that  
12 kept you from taking this seriously enough  
13 to report it. Isn't that correct?

14 A Let me just explain my position with Dave  
15 Ferrie. In other words --

16 MR. ALCOCK:

17 I don't think that connects with the evi-  
18 dence in this case, he did report it  
19 to us.

20 MR. DYMOND:

21 The witness is under cross-examination, I  
22 will get to the date of reporting, I  
23 full well realize he reported it to  
24 the District Attorney's office.

25 THE COURT:

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA *duff* DATE *11/23/93*

You may proceed.

265

Mr. Russo was about to explain his answer,  
and you can go ahead.

A In other words, Dave Ferrie was a character,  
not indifferent to it, but almost, out of  
-- somewhat I avoided the man mentally  
because he had a brilliant mind and he  
could sort of envelop and strangle a con-  
versation or influence direction of thought  
because he might be able to prove it was  
wrong, and he did claim quite a few things  
that I didn't know if he backed up or not,  
he claimed he was in the Bay of Pigs to  
me, and I heard somewhere that he claimed  
that he was not. I don't know if he was  
in the Bay of Pigs, he claimed he flew  
down to Mexico and Cuba, these things I  
don't know, I could not test, but the  
problem with Ferrie was that along with  
the claims he had this appearance, he had  
no -- it looked to me no apparent purpose  
but on the other side of the coin he did  
back up the things, things that just --  
when I came into contact with him, he did  
back these things up, he was well read in

RELEASED PER P.L. 102-526 (JFK ACT)  
NAME Smith DATE 11/23/93

religious matters, he could quote book,  
chapter and verse on political stuff and  
things that I was interested in, and he  
did back himself up in this area, and he  
also had a medical lab. Now, I couldn't  
understand a man having a medical lab and  
not really knowing what he is doing down  
there, but he said he was a doctor or he  
had extensive knowledge in surgery and  
things of that sort, and what could he  
back up and what couldn't he, and I just  
pretended to be indifferent to his claims  
and talks and things like that, it just  
went in one ear and out the other, as far  
as validity I didn't know which way to take  
it.

BY MR. DYMOND:

Q And for approximately four years you were in-  
different to what you heard going on at  
this meeting, weren't you?

A Approximately.

Q And would you say it would be accurate to say  
this went in one ear and out the other?

A Well, no, I am using that in the sense that  
what he was saying, whether or not to accept

266

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA *Quel* DATE *11/23/93*



1           it, whether to accept it literally as to  
2           what he was claiming to do or what he  
3           had claimed to have done before, but be-  
4           tween those, that period of time, Oswald  
5           died a couple of days right after Kennedy  
6           got shot, and when the FBI got on the  
7           television and said it was all over with,  
8           they had solved the crime or the Dallas  
9           police or whoever it was said that, quite  
10          a few people said that, I considered it  
11          a closed case, no one else was involved,  
12          interested, and I couldn't really point  
13          to Ferrie and say he was, I did not -- the  
14          FBI said everybody is cleared except Lee  
15          Oswald and Jack Ruby was not a friend of  
16          his or was not involved, and I --

17   Q     Mr. Russo, knowing yourself that you do, would  
18           you have remained indifferent for four  
19           years to what you considered a serious  
20           formulated plan to kill the President?

21   A     The plan, you know, as I told you, I was walking  
22           in and out, and the reason that I initial-  
23           ly got into the thing was because of the  
24           D.A.'s office, which was mentioned in Baton  
25           Rouge, well, mentioned the name of Dave

267

RELEASED PER P.L. 102-368 (JFK ACT)  
NARA   DATE 11/23/93

Ferrie, or his picture came in the paper,  
one of them, and the day before, I think  
it was the day before he died I wrote a  
letter, but I never mailed it until a  
couple of days later, and that is when it  
appeared to me that other people, Dave  
Ferrie for one, might be involved in the  
killing of President Kennedy.

Q And you had been indifferent toward this thing  
for about four years up until that time,  
had you not, sir?

A No one, right, no one contacted me.

Q Actually, you had not really worried about it,  
had you?

A No, I didn't worry about it.

Q Actually you didn't really worry about it right  
after you heard it, did you?

A When Oswald was arrested, I told a couple of  
friends that I knew him, or it looked like  
I knew him, I thought it was the same guy,  
or when he was shot, one or the other, and  
then of course all the hurrah on the news  
and television and newspapers that he was  
the only man, I was finding out what the  
Warren Commission was saying -- that was

268

9

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA 848 DATE 11/23/93

1 next year.

2 Q I am talking about the period between mid-  
3 September and November 22, 1963, you did  
4 not worry about this, did you?

5 A Oh, between that period of time?

6 Q Right.

7 A No.

8 Q As an American citizen, wouldn't you have  
9 worried, wouldn't you have been concerned  
10 if you had thought there was brewing a plot  
11 to kill your President?

12 A Well, if I could answer it this way, Mr. Dymond:  
13 Judge Perez recently said something about,  
14 a year or so ago, that he felt there was  
15 a plot to kill him, and unless someone  
16 were to name a person, unless Judge Perez  
17 were to name a person that was involved,  
18 this man looked like -- I am going to  
19 arrest him and charge him with so and so,  
20 and if he were connected, I have heard  
21 people say that Judge Perez would be better  
22 dead than alive, better under the swamp  
23 than on top of it, I heard that on several  
24 occasions and quite often back in '63 and  
25 the prior years there was quite a few

RELEASED PER P.L. 102-596 (JFK ACT)  
NARA DATE 11/23/93

1 things that the schools were being -- the  
2 schools were being desegregated, there was  
3 a lot of hurrah about that and quite often  
4 I heard the remark, "If I had a gun I would  
5 shoot President Kennedy," or the no good  
6 so-and-so should be dead, so between  
7 September and November of 1963, again I  
8 put the remark on the shelf.

9 Q Now, although you were a Republican, Russo,  
10 and I don't know whether you agreed or  
11 disagreed with President Kennedy's policy,  
12 but you certainly did not want to see him  
13 dead, did you?

14 A No, sir.

15 Q And as an American citizen, wouldn't you have  
16 worried between mid-September of '63 and  
17 November of '63 if you had actually thought  
18 that there was in existence a plan to kill  
19 your President?

20 A Well, in mid-September, if I had thought again,  
21 again if I had met Dave Ferrie for the  
22 first time then I would probably have called  
23 the New Orleans Police or somebody and told  
24 them this is what I heard, take it for what  
25 it is worth, but I had known Dave Ferrie

RELEASED PER P. L. 102-636 (JFK ACT)  
NARA *Smith* DATE 11/23/93

RELEASED PER P. L. 102-686 (JFK ACT)  
NARA DATE 11/23/93

1 for a little while before.

2 Q And because of your knowledge of Dave Ferrie,

3 you didn't do that, you didn't see fit

4 to do it, you didn't think it was neces-

5 sary. Is that right?

6 A That is one of the reasons.

7 Q Now, Mr. Russo, you say that there were ten or

8 12 people at this party before the crowd

9 started to disintegrate.

10 A About eight or ten.

11 Q About eight or ten. Can you give me the names

12 of any of those people other than Clem

13 Bertrand, David Ferrie, Leon Oswald, and

14 yourself?

15 A Oh, there was this -- well, there were two

16 Spanish-looking guys who I remember.

17 Q You can't say who they were?

18 A They were introduced, one name that I remember

19 and the other name I am not sure, ~~these~~

20 was Julian, a Manuel.

21 Q Of course you realize both of those are very

22 common Latin names.

23 A Yes.

24 Q And you can't give us the names of any other

25 people there?



1 A No.

272

2 Q Weren't you mingling in this crowd, wouldn't  
3 you associate with these people?

4 A Not really.

5 Q Were you standing off to yourself, or what?

6 A No, essentially I would be talking or probably  
7 watching Dave Ferrie walk up and down when  
8 I was inside. Of course at that time that  
9 you are talking about I was inside.

10 Q Were you fascinated about what you heard going  
11 on, why would that attract your attention?

12 A Well, Dave Ferrie monopolized the conversation,  
13 he gave it impetus and direction, so to  
14 speak, and, for example, one night I was  
15 standing on the corner of Canal and Decatur  
16 and along comes Ferrie and some others,  
17 and I later on got the impression from  
18 talking to Allen Landry that they were going  
19 out to find something to do or something,  
20 and you could not exactly know what you  
21 could expect from Ferrie the next time, so  
22 he paces up and down the floor and talks  
23 about Kennedy.

24 Q Hearing Ferrie talk is nothing new for you, you  
25 heard this on many occasions, had you not?

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA 8/28/93 DATE 11/23/93

A Well, I might answer that question a little

273

bit better, he did have a fascinating way  
of talking or a mind, anyway.

Q In other words, would it be a fair statement for

me to say that there is no one alive and  
available to testify about this party that  
you can name except yourself and the man  
whom you have termed Clem Bertrand --

MR. ALCOCK:

That is difficult for this man to answer.

MR. DYMOND:

That he can name, Your Honor.

MR. ALCOCK:

He named two, he does not know if they are  
alive or dead.

THE COURT:

I think the objection is well taken, I  
can't repeat his testimony, Mr. Dymond,  
he just gave you the names of two  
persons.

MR. DYMOND:

He gave me two very common Latin names,  
and if the Court please, there are  
probably millions of Julians and  
Manuels.

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA Shut DATE 11/23/93

THE COURT:

Just like John and Robert.

MR. ALCOCK:

He named some other persons, Your Honor,

I don't want to go into.

BY MR. DYMOND:

Q So you don't know of anybody else you can name  
who could be called here to confirm that  
party or meeting, do you, Mr. Russo?

A No.

Q Now, Mr. Russo, in the Sciambra memorandum, I  
take it you know what I am talking about  
when I refer to it like that?

A Yes.

Q In the Sciambra memorandum, you refer to this  
Leon Oswald as having dirty-blond hair.  
Do you say that that was an error when that  
was placed in there?

A I had made a correction on that yesterday.

Q Is it your testimony that you never mentioned  
the description "dirty-blond hair"?

MR. ALCOCK:

I object, I am objecting to the question,  
Mr. Russo from the stand corrected  
that yesterday.

MR. DYMOND:

Certainly I am not deprived of the right  
to cross-examine.

MR. ALCOCK:

Not over and over the same subject.

BY MR. DYMOND:

Q Is it your testimony that in your conversation  
with Mr. Sciambra on the 25th of February  
in Baton Rouge, 1967, that you never gave  
the description "dirty-blond hair"?

A Well, yesterday when I was correcting the memo-  
randum, I think I said that the impression  
I gave to Sciambra in Baton Rouge, said  
he was a dirty beatnik style, I don't think  
I mentioned hair color, though I might have,  
it was probably toward the brown side, I  
don't think I could have said dirty-blond,  
although that would make it brown.

Q You are saying you did not mention hair color  
at all or the dirty blond is incorrect,  
an incorrect relation of what you said with  
respect to hair?

A I am saying probably both, but if it -- his hair  
was messed up, probably was not the color,  
but I don't think we did, I don't recall

275

RELEASED PER P.L. 102-086 (JFK ACT)  
NARA *Shel* DATE *11/23/93*

that we did go into the color, but if we  
did it would have been a brownish, of  
course dirty blond would be synonymous  
with brown.

276

Q If you were asked to describe Leon Oswald's  
hair at this time, how would you describe  
it?

A Brown.

Q Brown, light brown or dark brown?

A Oh, just brown.

Q Just brown. Did you ever tell Mr. Sciambra  
that the man had a husky beard?

A I made a correction on that, we talked about  
the beard, and as far as that word may  
have come up in trying to pull a word out  
of the air, trying to get a word to fit it,  
we never did to this day -- don't have a  
word because it was not a beard and not  
whiskers, it was something else, and we  
had a photo, I had to pull a word out to  
describe it.

Q Are you still unable to give us a word to de-  
scribe the beard?

A No, but I would be open to suggestion about that.

Q Would you say it was a bushy beard?

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

1 A No, it was not a bushy beard.

277

2 Q Would you say it was a neat beard?

3 A No, it was not a neat beard because it had  
4 spots.

5 MR. ALCOCK:

6 The witness testified, one, it was not a  
7 beard, it was something between a  
8 beard and a growth of whiskers, he  
9 never termed it a beard.

10 MR. DYMOND:

11 If the Court please, the witness has not  
12 testified that there was no beard.  
13 I am trying to get him to describe  
14 now what kind of beard it was, and  
15 by his very testimony he cannot find  
16 the adjective for it, he said he is  
17 open to suggestion and I am suggesting  
18 a few.

19 MR. ALCOCK:

20 This man testified yesterday, I remember  
21 it quite distinctly, he said it  
22 appeared to be a growth of whiskers  
23 two or three days.

24 MR. DYMOND:

25 The man is on the stand now, and if the man

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA DATE 11/23/93

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA 8/18/93 DATE 11/23/93

1 wants to say that, let him say it.

2 BY MR. DYMOND:

3 Q You would not deny now that you described this  
4 man as having had a beard, would you,  
5 Mr. Russo?

6 A On some occasions I have, although that is not  
7 the best word for it.

8 Q And you still don't know what the best word is?

9 A No, but, in other words, probably, and you have  
10 seen probably some people in town that have  
11 just long beards, that to me is a full  
12 beard, and they have this beard that Mr.  
13 Plotkin has which would not be it again,  
14 and that is not it either, it is just a  
15 growth, it could be called a beard and  
16 there were spots on it where it just -- he  
17 didn't grow hair.

18 Q Would it be incorrect in terming that an unkept  
19 beard?

20 A That would be it.

21 Q That would be about as close as you could get?

22 A Three or four days' growth.

23 Q Now, you feel fairly confident in saying that  
24 this was at least a three or four-day growth  
25 of beard. Is that correct?

A Oh, well, I mean, I can't really tell how long  
it was, that would be a good statement that  
I probably would stand by.

Q Now, was the beard the same color as the hair  
that the man had, or was it darker?

A It seems to be a little bit, just didn't seem  
to be the same as the hair.

Q Now, just what difference would you describe  
as between the two, which one was darker  
and which one lighter?

A I am not sure, I am not real sure on that, but  
it didn't appear to be the same as the  
hair.

Q The beard?

A It was not, in other words, it was not a fake  
beard, I didn't think, it could have been  
I mean, it just did not appear to be the  
same color.

Q The beard, did it have any traces of white in  
it?

A Of white, gray hair? Maybe, I don't think so,  
there were spots of white.

Q Did the sideburns extend into the beard?

A Well, it was a messed-up appearance, I don't  
really recall whether the sideburns did or

RELEASED PER P.L. 102-636 (JFK ACT)  
NARA DATE 11/23/93



not, or whether it was just messed up.

Q Now, Mr. Russo, with regard to your testimony that you saw Mr. Shaw at the filling station on Veterans Highway, and with particular reference to the Sciambra memorandum, and more particularly at the top of Page 3 of this memorandum --

A Page 3?

Q Right, you are going to have to go back to the previous page.

A Page 2.

Q Where the memorandum reflects that you saw Mr. Shaw in the Veterans Highway filling station some six months after a date in 1962, which would place it well before the mid-September meeting that you have described --

A On Page 1 or Page 2 now?

Q Page 2, running into Page 3, if you would read Page 2 you will get the continuity of it, six months from 1962, do you see what I am referring to now?

A Yes, I have about what you are talking about, yes.

Q I take it that you agree that this memorandum

280

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA *Shaw* DATE *11/23/93*

indicates that your seeing Shaw at the  
Veterans Highway filling station occurred  
well before mid-September of '63?

281

A Yes, I said that I was wrong, I thought -- my  
initial recollection was that it was in  
1962.

Q In other words, the error you attribute to  
yourself rather than to the author of the  
memorandum?

A The date, the date of it.

Q Now, referring to the testimony in the prelimi-  
nary hearing wherein you state that your  
seeing Mr. Shaw in the Veterans Highway  
filling station occurred after President  
Kennedy was assassinated.

A Right.

Q Is that the statement to which you subscribe  
at this time?

A My initial recollection in Baton Rouge with  
Sciambra was that it was '62, and then I  
thought about it later on and then I told  
him it was '64, I think the early part of  
'64 or the middle of '64.

Q So then on that event you have roughly a two-  
year error in your judgment as to when you

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 11/23/93

1 saw Mr. Shaw on Veterans Highway. Is  
2 that correct?  
3 A On Veterans Highway, approximately.  
4 Q When did you discover that you were wrong about  
5 that?  
6 A When did I discover that I was wrong?  
7 Q Yes.  
8 A I am not real sure of when.  
9 Q Had you ever seen the Sciambra memorandum before  
10 coming to Court as a witness in the present  
11 trial of this case?  
12 A James Phalen showed it to me in Baton Rouge.  
13 Q Did you note that in the Sciambra memorandum  
14 when Phalen showed it to you?  
15 A '62, yes, -- I am not sure whether he had asked  
16 the question or not, but it was an error  
17 at that time because that was after the  
18 preliminary hearing, and after the pre-  
19 liminary hearing, you know, he came up the  
20 18th or 20th of March, and he did point out  
21 some errors in it, or apparent contradic-  
22 tions, and I don't know if he pointed that  
23 out or not, but if he would have, I would  
24 have cleared that up for him.  
25 Q In other words, you are testifying now that you

282

RELEASED PER P.L. 102-826 (JFK ACT)  
NARA Shuf DATE 11/23/93

do not know whether in reviewing this memorandum with Mr. Phalen you pointed that out as an error. Is that correct?

A If he asked me about it, I am sure I did, but it had been corrected by my testimony under the preliminary hearing which was a week before, or four or five days before.

Q Mr. Russo, isn't it a fact that in your conversation with Mr. Sciambra wherein this memorandum was reviewed by the two of you, that you pointed out only a couple of minor, practical typographical errors and had a slight discussion with him on the question of how many times you had seen Mr. Shaw?

A What are you talking about?

Q When Sciambra reviewed the memorandum with you in Baton Rouge --

MR. ALCOCK:

Objection.

BY MR. DYMOND:

Q Mr. Phalen, not Mr. Sciambra.

A That was the -- he only pointed out a couple of things that he felt were apparent contradictions, and the major one was this twice

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA Shaw DATE 11/23/93

1 as opposed to three times, if he would have 284  
2 gone down and -- word for word, we would  
3 have found by your count 26 notations.

4 Q Isn't it a fact that he let you read the memo-  
5 randum at that time and asked you to point  
6 out every error you claimed existed in it?

7 A It is a fact we talked about three hours with  
8 the exception of a half hour in there, and  
9 during that period of time we talked quite  
10 a bit about the preliminary hearing, we  
11 talked about several other odds and ends  
12 of things that I knew and that are not im-  
13 portant to the case, and then finally he  
14 said, "I want to show you this memorandum,"  
15 and this was Sciambra's, and there are  
16 some errors, and I did not read it from  
17 start to finish, we had been there for two  
18 and a half or three hours, the District  
19 Attorney's Office had notified me he was  
20 coming up, and he did have this one word  
21 "twice" underlined or circled and under-  
22 lined, and an arrow drawn to the side, and  
23 that is what I thumbed through and looked  
24 at it and he said, "Does everything seem  
25 correct," and I said, "Well, with some ex-

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA *duff* DATE 11/23/93

1 ceptions," I said essentially it seems 235  
2 some of these things we talked about in  
3 Baton Rouge, I said there were a few  
4 errors, and he said what about this, and  
5 he pointed out a couple of things like  
6 that, the big thing to him was that "twice."  
7 He said, "What about this," and I said,  
8 "Well, that was an error on Sciambra's  
9 part," I said, "He kept very few notes in  
10 Baton Rouge."

11 Q It's your testimony then when you met with  
12 Mr. Phalen in Baton Rouge, that you did not  
13 read the entire Sciambra memorandum?

14 A Word for word, absolutely not.

15 Q Now, Mr. Russo, to your knowledge, when did you  
16 first call to anyone's attention that there  
17 was a two-year error on your estimate as  
18 to when you said you had seen Mr. Shaw on  
19 Veterans Highway in the Sciambra memorandum?

20 A I am not sure when I first saw the memorandum.  
21 Now, this is Sciambra's memorandum, and  
22 you could probably ask him when this -- he  
23 first showed it to me, but I am not real  
24 sure because I really didn't -- this was  
25 something that was in the background.

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

Q Do you remember having called that two-year error to anyone's attention prior to yesterday?

A Prior to yesterday, oh, sure.

Q When?

A Well, I called it to Phalen's attention back in '67, for one, I am sure that I had discussions with the District Attorney's Office, but I could not say exactly when, because that was just an error, initially when Sciambra came up he sat down with his briefcase and we talked for two hours, and after we finished he wanted to rush back and talk to Garrison, and we didn't have the greatest amount of time, so I don't know exactly when this memorandum was drawn up, on Monday, I think, the 27th, I don't even know when I saw it first, I know Phalen had a copy of it.

Q Now, you testified just a moment ago that you were sure you called this to Mr. Phalen's attention.

A Absolutely.

Q Now, would that be during this meeting with you in Baton Rouge or during one of several

RELEASED PER P.L. 102-836 (JFK ACT)  
NARA DATE 11/23/93

other meetings that he had with you?

A This was in Baton Rouge, I am sure we perhaps brought it up again in Baton Rouge, but he was up there for one night and that was it, and in New Orleans it was for several nights.

Q It is your positive testimony that you did call that two-year discrepancy to the attention of James Phalen in Baton Rouge?

A I didn't say it was a two-year discrepancy, I told him it was an error. Now, 1962, if he asked me about '62, yes, I told him, I might definitely -- I told him twice versus the three times, twice was the error on Sciambra's part for reasons I don't know, I made that clear to Sciambra, that was one of the reasons he asked me if I could come to New Orleans the following Monday, on the 27th. As far as the 1962, was concerned, if he asked me about it, because we didn't go over this word for word, I picked it up, he said, "Here, are you familiar with it," and I think I was familiar with it at that time, I had probably seen it before, and so I went down

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA *Qued* DATE 11/23/93



the line on it, not every page and not every word.

Q When was it that you had a discussion with David Ferrie on Bourbon Street concerning his seeing Al Landry?

A I will say 1961 or 1962.

Q 1961 or 1962?

A Yes.

Q Would I be fair in saying late '61 or early '62?

A Well, yes, you asked that yesterday, and I am not sure, you could probably ask Policeman Jano because he was the one that was involved with that particular case.

Q Now, in this Sciambra memorandum, you relate the seeing of Mr. Shaw on Veterans Highway to the incident on Bourbon Street with David Ferrie, saying it was about six months after that that you saw Mr. Shaw on Veterans Highway. Is this entire relationship invalid, or what?

A No, I don't relate anything, that is Sciambra's relationship there. I don't have anything to do with relating that together, and, secondly, as I was attempting to give some sort of continuity to him in Baton Rouge,

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA *duff* DATE *11/23/93*

when I said 1962, that was a flat error  
on my part, and which later on was cor-  
rected, and I am willing to admit it was  
an error, but as far as the words, I did  
not write those down.

289 2

Q But when you say 1962 now, in connection with  
your dispute with Ferrie on Bourbon Street,  
that is not an error, is it, 1961 or 1962?

A 1962?

Q Yes.

A Now, Landry went into the Air Force in '62,  
I think, and it was probably -- I don't,  
I have a tendency to say it was '61 more  
than '62, but I am not real sure.

5 Q The statement that the seeing of Mr. Shaw on  
6 Veterans Highway was six months after the  
7 Bourbon Street incident with Ferrie, is  
18 that the part that is in error?

19 A On the Veterans Highway, yes.

20 Q Do you have any way of explaining that error,  
21 I mean, was it your error, Sciambra's  
22 error, or how did it come about?

23 A Well, I was trying to give him some sort of  
24 continuity or understanding as to people  
25 he wanted names of, friends of mine, where

RELEASED PER P.L. 102-696 (JFK ACT)  
NARA Shaw DATE 11/23/93

did I know these people and these photographs, things of that sort, and I was attempting to give him some sort of a continuity on this thing, and when he wrote this memorandum, Monday, I think, and of course that is his concern there, he did not keep a great amount of notes, that is probably where the error came from, but he did keep just a legal pad, and he kept some scribblings on that.

Q As a matter of fact, he took quite a few notes on the legal pad, didn't he, Mr. Russo?

A I would not say so, no, I would not say quite a few.

Q He had addresses and phone numbers and names which were rather difficult to spell, is that correct?

A Well, Kershenstine is a name that is difficult to spell, but how many pages of notes do you have on that top pad, on your handwritten pad, please?

Q Oh, I have quite --

A You have a bunch of them, eight or ten, he did not keep eight or ten, he did not.

Q How many did he keep?

290 2

RELEASED PER P.L. 102-836 (JFK ACT)  
NARA *SNL* DATE 11/23/93

A Maybe a couple of pages, maybe a page, maybe two or three pages.

Q You don't know how many pages he kept?

A I do know that he did take notes or just very rarely scribbled on a piece of paper, on the yellow legal pad, but how much that eventually was, I could not see more than a page, two and a half or maybe three at the most.

Q Did you ever see these notes Mr. Sciambra took?

A No.

Q But you are able to tell approximately how many notes or what quantity of notes he took. Is that right?

A If I could use a pen and pencil, I will show you something. In other words, this is what he did, he sat there with his briefcase on his knees like this, he had a yellow pad of paper there and 20 or 30 photographs or how many photographs he had here, a couple of books underneath that, and, well, this is what he did, I mean, Sergio Aracha, and it was big handwriting, and he would take up this line and Tim Kershenstine, 943849, stuff like that, and he probably went on

RELEASED PER P.L. 102-086 (JFK ACT)  
NARA DATE 11/23/93

the second page, but I was not even watching, he did not stand there and copy about ten or 12 pages, and every word I said he didn't copy down.

Q In other words, Mr. Russo, the notes that you saw Mr. Sciambra take would not have revealed the content of what you told him. Is that right, they were not sufficient?

A That is what I would say.

Q Therefore, there would have been no necessity to burn these notes to keep somebody from telling what you had told Mr. Sciambra?

MR. ALCOCK:

Objection, Your Honor, this matter is not in evidence.

THE COURT:

I believe you are assuming an answer that has not as yet been given.

MR. DYMOND:

We withdraw the question.

We are asking that the gun be brought in.

Do you want to take a 10:00 o'clock break now?

THE COURT:

Yes, now is a good time for a break.

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA *duff* DATE 11/23/93

(Whereupon, a brief recess was taken.)

AFTER THE RECESS:

THE COURT:

Is the State and Defense ready to proceed?

MR. DYMOND:

Yes, Your Honor.

MR. ALCOCK:

Yes.

THE COURT:

Please check the bolt action.

BY MR. DYMOND:

Q I show you a rifle which was exhibited to you yesterday by the State, and I ask you whether you are able to testify that that is the same type rifle that you saw Leon Oswald cleaning upon one occasion in the apartment on Louisiana Avenue Parkway.

A That it is exactly the same?

Q Yes.

A No, I don't know if it would be exactly the same or not.

Q Are you able to point out any difference between this rifle and the one which you saw him cleaning?

A I did not look at the rifle very closely, I

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 11/23/93

1                   couldn't point out any differences.

2   Q   Now, in the course of cleaning it, did he have

3                   the rifle dismantled or was it all in one

4                   piece?

5   A   Oh, he was just polishing it or wiping it, it

6                   was all in one piece at that time.

7   Q   Was he polishing or wiping the wooden portion

8                   of the rifle or the metal portion, or both?

9   A   I don't know, I don't know which he was just

10                  -- he was just wiping all over, really,

11                  could have been polishing or just wiping,

12                  probably all over.

13   Q   And it's your testimony then that all that you

14                  can say is a similar rifle. Is that cor-

15                  rect?

16   A   Right, and the bolt action of course, this right

17                  here, this sight is more like it, and this

18                  kind of a grain to it or plastic, something

19                  along this line.

20   Q   Now, do you recall the rifle that was exhibited

21                  to you during the preliminary hearing in

22                  this matter?

23   A   A little bit.

24   Q   Could you say that rifle was more or less

25                  similar to the one which you saw Leon Oswald

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA   DATE 11/23/93

with than this rifle?

A No, this was more like it.

Q Would you point out the points of greater similarity.

MR. ALCOCK:

I object unless he is exhibited the rifle he was asking him to compare.

MR. DYMOND:

I have asked him whether he remembers the rifle and he said yes.

THE COURT:

If the witness has a distinct memory for it, he can answer the question; if he does not, that is something else.

THE WITNESS:

As I said in the preliminary hearing, I said the scope on the rifle that I was shown in the preliminary hearing, the barrel was too big and also the end of the stock was indented, and the Oswald rifle was not.

BY MR. DYMOND:

Q Was not indented. Is this the portion of the stock to which you refer?

A This part of it. In other words, had an indent

RELEASED PER P.L. 102-696 (JFK ACT)  
NARA DATE 11/23/93



on the one that I was shown, a groove, I guess, for the arm or shoulder and it was not that way with Oswald's rifle.

Q I show you now the rifle which I am informed is the one which was exhibited to you in the preliminary hearing, and I ask you to show us on this rifle the indentation to which you referred.

A Right here (indicating).

Q I see, so you would say then that this rifle is less similar?

A Right.

Q However, you would not say either one of these rifles is the rifle that you saw Leon Oswald polishing. Is that right?

A Right.

Q Now, Mr. Russo, at this meeting of mid-September, 1963, did you see any rifle at that time?

A At that time, no.

Q You did not?

A No.

Q So the only time that you actually saw a rifle was on a previous occasion when you visited the apartment at 3330 Louisiana Avenue Parkway and saw the man whom you say is

Leon Oswald polishing a rifle. Is that correct?

A Well, I saw what appeared to be a rifle bag when I was leaving, but the only time I saw the rifle was that first time you are referring to, yes.

Q Would you describe the rifle bag to which you have made reference.

A Well, I am not sure it was a rifle bag or not, and if it would have been, the gun had to have been dismantled.

Q Approximately how long was this thing that you suspected of being a rifle bag?

A I guess about three feet.

Q About three feet long?

A About three feet.

Q You said it was not long enough to hold either one of the rifles?

A No, unless it was taken apart. It may not have been, I am not sure.

MR. DYMOND:

If the Court please, yesterday the State said that it would make every effort to locate the original of the letter written by Mr. Russo to the District

RELEASED PER P.L. 102-836 (JFK ACT)  
NARA DATE 11/23/93

Attorney. I would like to now be  
informed whether that letter has  
been located.

1 MR. ALCOCK:

5 We have not been able to locate it, Your  
6 Honor. I don't know anyone who ever  
7 saw the letter.

8 MR. DYMOND:

9 I take it then we can assume it cannot be  
10 located?

11 THE COURT:

12 Find out from the witness to whom it was  
13 addressed and you said to whom it may  
14 concern, but how was the letter  
15 addressed?

16 BY MR. DYMOND:

17 Q To whom did you address the letter which you  
18 wrote on the 21st of February?

19 A The inside letter was just "To Whom it may  
20 Concern," but the outside envelope was  
21 either to the District Attorney's Office  
22 or to the District Attorney Jim Garrison,  
23 2700 Tulane Avenue.

24 Q 2700 Tulane Avenue, New Orleans, Louisiana?

25 A Right, 70119.

298

RELEASED PER P.L. 102-896 (JFK ACT)  
NARA DATE 11/23/93

1 Q 70119. You even had the Zip Code on it? 299  
2 A I don't know if I put the Zip Code on it or  
3 not, but I know the Zip for this area.  
4 Q You did have the correct address, 2700 Tulane  
5 Avenue?  
6 A Yes.  
7 Q You have confirmed that is the proper address  
8 of this building. Is that correct?  
9 A Well, I called Information from Baton Rouge  
10 to get the address, and that is the  
11 address they gave me, I called from Baton  
12 Rouge, called Information in New Orleans  
13 and that is the address they gave me.  
14 Q You say the letter was never returned to you.  
15 Is that correct?  
16 A No.  
17 Q Now, Mr. Russo, I think you testified yesterday  
18 that Sandra Moffett was practically a con-  
19 stant companion of yours back in 1963. Is  
20 that right?  
21 A Well, you know, I will say the same thing I  
22 said yesterday, in other words, I did  
23 essentially the same thing every week, you  
24 know, and approximately with the same  
25 people, but sometimes, for example, I might

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA 248 DATE 11/23/93

1 not see someone for three weeks, but then  
 2 I might see them for five days in a row,  
 3 and at that time and under those circum-  
 4 stances I would consider it a constant thing  
 5 more or less because no one, to my know-  
 6 ledge, except at certain times, left town,  
 7 no one -- if I knew they left town, then  
 8 of course it would not have been a constant  
 9 thing, but no one, to my knowledge, had  
 10 left town that I associated with.

11 Q Was Sandra the only girl that you were going  
 12 with at that time?

13 A There was another girl, Marilyn Perer, that was  
 14 on and off for a period of time up to  
 15 '65.

16 Q But you would say that Sandra was your primary  
 17 or your main female companion at that time.  
 18 Is that correct?

19 A Well, I don't know, maybe. I am not sure of  
 20 that. That is hard to say, you know, she  
 21 thought so.

22 Q Did Sandra think that you were not going out  
 23 with any other girls at that time or not?

24 MR. ALCOCK:

25 Objection.

RELEASED PER P.L. 102-896 (JFK ACT)  
 NARA 246 DATE 11/23/93

BY MR. DYMOND:

301

Q Did you lead Sandra to believe that you were  
not going out with other girls at that  
time?

A She knew about Marilyn, she did not know that  
much about Adele.

Q Adele Marquer?

A Now, Adele Laporte then.

Q But you did testify yesterday that Sandra was  
almost a constant companion.

A I would consider it that.

Q How long had this relationship gone on, Mr.  
Russo?

A Until 1965.

Q In other words, you went with Sandra very  
often then between 1963 and 1965?

A Oh, no, before that, about 1960.

Q About 1960 to 1965?

A Right.

Q So that would be four or five years?

A Right.

Q Is that correct?

A Right.

Q Now, where did Sandra live at that time during  
1963, Mr. Russo?

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

1 A She lived at several places, she lived around 302  
2 Canal and Broad, she lived uptown, she  
3 lived different places.  
4 Q Now, around Canal and Broad, would you be a  
5 little bit more specific?  
6 A You asked me that in the preliminary hearing  
7 and I really didn't know the name of the  
8 street. I think it was Cleveland Street,  
9 which runs parallel with Canal.  
10 Q Cleveland Avenue?  
11 A I think it is that broad street, I think it is  
12 called Cleveland Street, it is one block  
13 or two blocks over Canal towards Tulane  
14 Avenue.  
15 Q You went with her for four or five years and  
16 did not know what street she lived on,  
17 Mr. Russo?  
18 A Again, well, she did come to my house most of  
19 the time.  
20 Q Well, when you would go up to Tulane, say, to  
21 play basketball or go to Loyola to play  
22 basketball and Sandra would go with you,  
23 wouldn't you go by her house and pick her  
24 up?  
25 A Sometimes, but, you see, she wanted to go over

all of the time, from early in the morning  
or whenever I got home from school, she  
wanted to go over and sometimes we would  
pick her up, and I would say maybe two  
or three times we picked her up at that  
time.

Q You only picked her up two or three times. How  
long did she live there?

A I don't know how long she lived there.

Q Approximately, I don't expect you to be exact.

A I don't know.

Q Would it be a year?

A Well, probably a year.

Q And in the space of --

A Well, a relative of hers lived there, a relative  
of hers lived there.

Q And with her living there almost a year, and she  
being almost your constant companion, you  
only picked her up two or three times, you  
say?

A Understand, now, that the apartment on Elysian  
Fields where I lived, that is where all of  
the time people came over, they always came  
over there, we would have a small party or  
have a couple of drinks or something like



1 that, or basketball, after a basketball  
2 game, everybody came over to that apart-  
3 ment, and it was just -- that was my  
4 routine, I didn't do it any differently.

5 Q Now, as I recall your testimony on the pre-  
6 liminary hearing, you could not tell us  
7 what street Sandra lived on. How have  
8 you since found out it was Cleveland Street?

9 A Well, I just went over there and I think it is  
10 Cleveland, I am not sure, but I know it is  
11 right off of Canal and Broad, and it would  
12 probably be the first or second street, and  
13 my recollection was that it was a one-way  
14 going towards the Lake, which would be  
15 Cleveland.

16 Q You say you went over there and looked for the  
17 house, or what?

18 A Yes.

19 Q Did you find the house?

20 A No, not so I could say it was the house.

21 Q When was it approximately that Sandra moved away  
22 from that house, Mr. Russo?

23 A I don't know.

24 Q But your constant, practically constant com-  
25 panion lived in the same house for approxi-

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA DATE 11/23/93

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 11/23/93

1                   mately a year and you could not go back  
2                   there now and find that house?  
3    A    Well, I went over there two or three times and  
4                   I am not sure she lived there for a year,  
5                   I suppose she lived there for a year. She  
6                   didn't have a phone, she called me.  
7    Q    Now, Mr. Russo, you testified that you saw  
8                   Ferrie approximately three times in the  
9                   month of September, 1963. Is that cor-  
10                  rect?  
11   A    I saw Ferrie?  
12   Q    Right.  
13   A    Oh, a couple more times than that.  
14   Q    How many would you say now?  
15   A    Oh, I don't know, about a little bit more than  
16                  that, I don't think I testified to three  
17                  times I saw Ferrie.  
18   Q    Well, if you were asked now how many times did  
19                  you see Ferrie in September of 1963 --  
20   A    I would say four or five.  
21   Q    Four or five times?  
22   A    Yes.  
23   Q    Will you tell us the first time that you saw  
24                  Ferrie in September of '63?  
25   A    Probably he came over to my house, I am not

30

1 real sure, nothing is very distinct about  
2 it. It was the same, probably he came over  
3 to the house.

4 Q You say probably. What are you basing that  
5 probability on?

6 A Because I don't really recall, it was either,  
7 you know, just the same old stuff with base-  
8 ball, because right around the time, the  
9 tail end of September we were playing for  
10 Parish Finance baseball team up at the  
11 Audubon League, and the League ended in  
12 August, I think, and we went on to play  
13 additional baseball or exhibition games,  
14 and it would probably have been the early  
15 part of September, I don't know the exact  
16 date or why he came over, just dropped in.

17 Q As a matter of fact, Ferrie had free access to  
18 your house at any time of the night or day,  
19 did he not?

20 A He would come over, no one had any keys or could  
21 get in without me being there.

22 Q But he had an open invitation?

23 A Yes.

24 Q And you had an open invitation to his house,  
25 didn't you?

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA 2025 DATE 11/23/93

307

1 A Right.

2 Q Were you ever Ferrie's roommate, Mr. Russo?

3 A No.

4 Q You never were?

5 A No.

6 Q Now, before mid-September, 1963, do you remember

7 any other specific occasions on which you

8 saw David Ferrie?

9 A Before mid-September?

10 Q During the month of September.

11 A He came to a couple of baseball games, he just

12 stopped for five minutes, did not come to

13 watch the ball game.

14 Q Baseball games where?

15 A We played at Rhome Park, Pontchartrain Park,

16 Audubon, I don't know which park he came

17 at, just walked up and looked, stayed a

18 few minutes, said hello and left, he came

19 over to my apartment several occasions

20 during the summer.

21 Q You are talking about during the month of

22 September now?

23 A Oh, no, I thought you were talking about before

24 September.

25 Q During the month of September.

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA *guc* DATE 11/23/93

1 A I don't know if he came to any baseball games  
2 during the month of September.  
3 Q Do you remember any other specific occasion  
4 upon which you saw him?  
5 A Definitely in the month of September?  
6 Q Right.  
7 A I would be deducting, but I probably saw him a  
8 couple more times, but nothing very dis-  
9 tinctive about it.  
10 Q You can't remember any other specific occasions?  
11 A Except up at his apartment the four times, ex-  
12 cept those four times you are talking  
13 about, right?  
14 Q Well, when was the first of those four times?  
15 A Somewhere around the middle of the month.  
16 Q Around the middle of the month?  
17 A Yes.  
18 Q Was that the first time you had seen him in  
19 September at his apartment?  
20 A Oh, no, I don't think that was the first time,  
21 that was the first time he had any mention  
22 of a roommate, that struck me funny because  
23 I never heard him say he had a roommate.  
24 Q Now, to the best of your recollection, when was  
25 the first time during the month of Septem-

RELEASED PER P.L. 102-696 (JFK ACT)  
NARA DATE 11/23/93

1           ber, 1963, that you saw Ferrie at his  
2           apartment?  
3    A     Well, I would say, I mean, give you an approxi-  
4           mate, early part of September, I don't know  
5           why I would say that, I couldn't associate  
6           anything with it, except that I was proba-  
7           bly up there in the early part of Septem-  
8           ber.  
9    Q     You can just say you were probably up there, but  
10           you cannot say specifically. Is that  
11           correct?  
12   A     Right.  
13   Q     Now, prior to the middle of September, can you  
14           name any other specific occasions upon which  
15           you were at Ferrie's apartment and saw him?  
16   A     Well, nothing specifically, I don't associate  
17           it with anything.  
18   Q     Now, Mr. Russo, in an attempt to pinpoint the  
19           date of this party and meeting, are you  
20           able to relate that to your registering  
21           for the September, '63 term of school?  
22   A     No, it is in between a couple of things, the  
23           baseball season officially was over in  
24           August, and we continued to play and we  
25           played in through the first week of

309

RELEASED PER P.L. 102-896 (JFK ACT)  
NARA   DATE 11/23/93

September, and then after that it was just practice, no teams were played, everybody was going over to school and between that and registration of the first week of school, that occurred up at Ferrie's apartment.

310

Q You remember having registered for school in September of 1963?

A Not specifically, no.

Q For your information, registration actually was on September 14, 1963, and does that assist you in trying to pinpoint the date?

A No, that would be all right.

Q Can you still not tell us whether the party and meeting which you have described was before or after you registered at Loyola for 1963, the 1963 term in September?

A No, it was before we got into -- as I just said, the first week of school, whenever we got past the preliminary stuff, registration is just, you know, just several hours you put in up there, sign up for your classes.

Q Are you able to tell us what day of the week that this was, a Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday, this

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 11/23/93

party and meeting that you have described  
took place?

311

A No.

Q Are you able to tell us whether it was on a  
weekend?

A No, the weekend and the week days were about  
the same at that time, you know what I  
mean.

Q Are you able to tell us whether it was the  
first, the second, the third, or the  
fourth week in September?

A No.

Q Are you able to tell us what time of night you  
got there and what time of night you left?

A Well, I know it was late in the evening when I  
got there, I am sure it was after 12:00  
o'clock when I left.

Q Are you certain this was in September, or could  
it have been in October, Mr. Russo?

A Could it have been in October?

Q That is correct.

A No, we would have been fully in class then, you  
know, classes would have been --

Q Well, you still had time off when you were in  
classes, I mean, you didn't spend every --

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA DATE 11/23/93



1 A Really, if someone wanted to pass over, it had  
2 to be a quick shot, except under rare  
3 circumstances. Again, in April, we would  
4 start all over, again playing for the base-  
5 ball team next April, but not very often,  
6 just a five-minute session. If someone  
7 wanted to come over -- I did not go too  
8 much, except sometimes to basketball games,  
9 Tulane basketball games or football games.  
10 Q Now, it's your testimony that when you left  
11 this meeting, Leon Oswald was still there.  
12 Is that right?  
13 A Yes.  
14 Q Clem Bertrand was still there?  
15 A Right.  
16 Q David Ferrie was still there?  
17 A Right, he lived there.  
18 Q And you don't know how you got home from this  
19 meeting. Is that right?  
20 A I think I caught a bus.  
21 Q You don't remember?  
22 A No.  
23 Q Could somebody have given you a ride?  
24 A Probably.  
25 Q Had all of the other guests left?

312

RELEASED PER P.L. 102-086 (JFK ACT)  
NARA DATE 11/23/93

1 A They had left sometime before.

2 Q They had left before you left?

3 A Right.

4 Q Could Ferrie had given you a ride home?

5 A That is possible. But I just don't think so,  
6 he was not the type to walk out with  
7 people he had around him.

8 Q You would not say that Clem Bertrand gave you a  
9 ride home, would you?

10 A No.

11 Q Could Leon Oswald have given you a ride home?

12 A Oh, no.

13 Q Well, then, would not it be a certainty that  
14 nobody gave you a ride home if everybody  
15 but those three had left?

16 A Well, it is possible that one or the other gave  
17 me a ride home, but I am inclined to say I  
18 don't think so, I don't remember that. I  
19 am not sure how I got home. I could have  
20 hitchhiked home.

21 Q Mr. Russo, do I understand you correctly that  
22 you say these three men, Leon Oswald, Clem  
23 Bertrand, and David Ferrie were the only  
24 ones left at that party when all of the  
25 other guests had left except you, and that

313

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA DATE 11/23/93

1           you are not certain whether one of those  
2           men gave you a ride home?

3    A     If I could explain it this way, a few weeks  
4           ago --

5    Q     Would you please answer it and then explain it.

6    A     No, I am not certain who gave me a ride home.  
7           Last year Art Heyman of -- a basketball  
8           player for Pittsburgh, I think he plays  
9           for, he jumped into the stands and punched  
10          a guy for riding him, you know. I have a  
11          habit of riding basketball players just  
12          out of general practice, this is right now,  
13          I go essentially to the basketball games  
14          with the same people, and all of those  
15          people that I go with, that particular  
16          night they were asking me who I went with  
17          and how I got there, but I could not be  
18          altogether sure, but I can say Art Heyman  
19          jumped in the stands and punched the guy  
20          and he hit the wrong guy at that, but  
21          probably Joe Jackson was there and probably  
22          Philip Hatose was there and probably Niles  
23          Peterson was there and probably Cathy  
24          Walden and a couple of others, but which  
25          one of those I was with, I know I went home

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA   DATE 11/23/93

1           that night in my own car, but who said  
2           what, I am not sure, these people I  
3           associated with every day.  
4   Q       And you would say that that situation is  
5           similar to your not remembering whether  
6           or not one of the three conspirators to  
7           kill the President of the United States  
8           rode you home from the conspiratorial  
9           meeting. Is that correct?  
10   A       I don't call them conspirators, no, I don't  
11           know who rode me home, I may have caught  
12           a bus or hitchhiked or not.  
13   Q       You do not call them conspirators?  
14   A       I have never used that word.  
15   Q       You would be reluctant to call them conspirators?  
16           MR. ALCOCK:  
17           Objection.  
18           THE COURT:  
19           I sustain the objection.  
20   BY MR. DYMOND:  
21   Q       Now, Mr. Russo, did you say that you have or  
22           you have not seen David Ferrie since the  
23           assassination of President Kennedy on  
24           November 22, 1963, in Dallas?  
25   A       Well, you are asking me from Sciambra's memoran-

315

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA   DATE 11/23/93

1 dum? 816

2 Q I am asking you now --

3 A That is absolutely incorrect, I gave the same

4 answer I gave yesterday, I don't know

5 where that came from.

6 Q Do you have your copy of the memorandum, Mr.

7 Russo? Now, Mr. Russo, I refer you to the

8 statement contained in the last sentence

9 of the top part on Page 6, to this effect:

10 "Russo says that he has not spoken with

11 Ferrie since the assassination." Now, you

12 say that is absolutely not true. Is that

13 correct?

14 A Yesterday I said that I didn't even know where

15 this came from except in the mass confusion

16 in Baton Rouge. I mean, I have seen Ferrie

17 several times after the assassination.

18 Q To your knowledge, did you tell Mr. Sciambra

19 anything that could have been confused or

20 mistaken so as to make him make a definite

21 dogmatic statement like that in this memo-

22 randum?

23 A No, not to my knowledge. I mean, perhaps it was

24 just confusion.

25 Q So you would not know where that statement came

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

317

1 from at all, would you?

2 A Right.

3 Q But it is your testimony now that you did see

4 and you did speak to Dave Ferrie after the

5 President was assassinated?

6 A Absolutely.

7 Q Did you discuss the assassination with him?

8 A I didn't discuss anything with him, no.

9 Q You spoke to him, didn't you?

10 A Well, again I am saying the same thing I said

11 before, I listened to him, and that is

12 what most of the conversations were about,

13 his conversations.

14 Q These meetings that you had with him there,

15 these meetings were the same as many other

16 ones have been. Is that correct?

17 A Well, when I saw him afterwards?

18 Q Yes.

19 A Right. I mean, if he dropped in over at the

20 house on Elysian Fields or something, yes,

21 he would come in, he might be talking

22 about -- well, he could be talking about

23 anything.

24 Q Where did you see Dave Ferrie after the assassi-

25 nation?

RELEASED PER P.L. 102-696 (JFK ACT)  
NARA DATE 11/23/93

318

1 A Probably -- I am almost sure it was over at my  
2 house several times.  
3 Q Over at your house. Where were you living then?  
4 A On Elysian Fields.  
5 Q Was it in keeping with the open invitation that  
6 he had that he came there at that time?  
7 A Well, everybody had an open invitation to come  
8 over, I guess their -- it was in line with  
9 that.  
10 Q So he did come into your house at that time?  
11 A Well, the side apartment.  
12 Q I beg your pardon?  
13 A The side apartment is attached to the house.  
14 Q Into your apartment?  
15 A Yes.  
16 Q Did he sit down?  
17 A I am sure he did.  
18 Q In other words, you had a visit with him. Is  
19 that correct?  
20 A Right.  
21 Q Now, upon that occasion, which was after President  
22 Kennedy had been killed, after what you had  
23 heard up on Louisiana Avenue Parkway did you  
24 have any occasion to discuss with Dave  
25 Ferrie at that time the killing of President

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA *gus* DATE 11/23/93

Kennedy?

319

A No, at that time he was very bitter, you know,  
or he seemed to be changed quite a bit  
than he was before. Of course before he  
had a good mind, but he apparently lacked  
purpose, that was my idea. Again in '64  
or late '64, whenever he came over, he  
was just a different person, he was not  
the same like he was before.

Q You didn't see fit to ask him whether he had  
killed President Kennedy or whether he knew  
who killed him or anything like that?

A I didn't see fit to ask him anything, he talked  
and grumbled about the D.A., grumbled about  
the Police Department in general, grumbled  
about the FBI.

Q What was he grumbling about with respect to the  
District Attorney?

MR. ALCOCK:

I object to hearsay.

THE COURT:

I sustain the objection.

BY MR. DYMOND:

Q Was this the only time that you saw Dave Ferrie  
after the assassination?

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA *Shuck* DATE 11/23/93



1 A I saw him a few times, I am not sure how many.  
2 Q Can you give us an approximation?  
3 A I saw him at the service station, you already  
4 know that and perhaps five, six, or seven  
5 times after that, not too many.  
6 Q Now, in all of these five, six, seven or eight  
7 times that you saw Dave Ferrie after the  
8 assassination, was there ever any dis-  
9 cussion of the assassination of President  
10 Kennedy?  
11 A No. The times that we met were for very short  
12 periods, and he was a broken person in '64  
13 and '65, I thought. When we met I was  
14 generally on the run most of the time be-  
15 cause Charlton Lyons, this thing was coming  
16 up, of course that was, I think in March,  
17 and then they had the national elections  
18 and all that kind of stuff, Goldwater  
19 election in '64, and also this other thing  
20 I was involved in during the summer months,  
21 in '64 it was baseball, the baseball team,  
22 again in '65, and '63 and '64 was my  
23 graduating year, and whenever he came over  
24 it would not be more than three or four or  
25 five minutes at the most, maybe a little

320

RELEASED PER P.L. 102-836 (JFK ACT)  
NARA DATE 11/23/93

321

1 bit longer.

2 Q And to the best of your recollection, the  
3 assassination was never discussed. Is  
4 that correct?

5 A No.

6 Q Did he ever ask you, "For goodness sake, keep  
7 quiet about what you heard up on Louisiana  
8 Avenue Parkway"?

9 MR. ALCOCK:

10 Objection, Your Honor, Mr. Dymond knows  
11 that is hearsay.

12 THE COURT:

13 Sustained.

14 MR. DYMOND:

15 I don't think that is hearsay on Your  
16 Honor's previous ruling on a point  
17 of similarity yesterday.

18 THE COURT:

19 The acts and declarations of each co-  
20 conspirator, a conspiracy, if one did  
21 actually exist, it was at an end after  
22 the commission of the intended crime.

23 MR. DYMOND:

24 To which ruling, if the Court please,  
25 Counsel for the Defense reserves a

RELEASED PER P.L. 102-826 (JFK ACT)  
NARA DATE 11/23/93

1 bill of exception, making the question  
2 the objection, the ruling of the Court  
3 a part of the bill.

4 Now, if the Court please, in order for me  
5 to perfect this bill, I am going to  
6 have to get an answer from the wit-  
7 ness, which of course would have to  
8 be done out of the presence of the  
9 Jury.

10 MR. ALCOCK:

11 There is no provision in the law for such  
12 a procedure.

13 MR. DYMOND:

14 Unless we do that, the Supreme Court has  
15 no way of knowing in the event of  
16 appeal what testimony we were deprived  
17 of.

18 MR. ALCOCK:

19 The question is quite obvious, what did  
20 this man say in 1964, and the objec-  
21 tion is to hearsay, the Court has sus-  
22 tained it, and what he is going to say  
23 is totally immaterial. The Court can  
24 determine, I am sure, the Supreme  
25 Court can determine whether or not as

RELEASED PER P.L. 102-836 (JFK ACT)  
NARA 8/28/93 DATE 11/23/93

RELEASED PER P.L. 102-826 (JFK ACT)  
NARA 248 DATE 11/23/93

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a matter of law that was hearsay,  
whatever the response was.

MR. DYMOND:

If the Court please, as you well know,  
whether it is hearsay or not would  
be completely immaterial to an  
appellate court unless the appellate  
court found it was harmful, prejudicial,  
to keep that out of evidence.

THE COURT:

You are asking to have the Jury go upstairs  
so you can perfect your bill?

MR. DYMOND:

They can go back in the anteroom, I can get  
this in a matter of 30 seconds.

THE COURT:

Let me make one statement for the record  
so that the record will show what  
happened. The Court sustained an ob-  
jection by the State on the grounds  
that the evidence sought to be elicited  
was hearsay, primarily because the  
conspiracy, if one actually existed,  
it was at an end after the commission  
of the intended crime; however, De-

324

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

fense Counsel requested the Court to  
remove the Jury so he could ask cer-  
tain questions of the witness to per-  
fect his bill of exception, and that  
is the status of the case as of this  
moment.

MR. DYMOND:

I might say out of the presence of the  
Jury, and I would like to refer Your  
Honor to the Enganic (?) case with  
which you are familiar.

THE COURT:

I prosecuted the case.

MR. DYMOND:

Co-conspirators were held for the actions  
of co-conspirators after the actual  
commission of the crime.

THE COURT:

The Code states specifically they are  
liable for the actions up until the  
time the conspiracy comes to a con-  
clusion.

MR. DYMOND:

Right up until the time of arrest, Your  
Honor.

1 MR. ALCOCK:

2 Referring to the Code, Article 844 of  
3 the Louisiana Code of Criminal Pro-  
4 cedure, I think that article is quite  
5 clear in where it states in Paragraph  
6 (b) a form of bill of exception shall  
7 contain only the evidence necessary  
8 to form the basis for the bill, and  
9 the only evidence necessary to form  
10 the basis for this bill is the pro-  
11 pounded questioning, my objection, and  
12 the Court's ruling. There is no pro-  
13 vision in this law to have counsel  
14 have this question answered for the  
15 benefit of an appellate court, should  
16 it be necessary. If that is the case,  
17 Your Honor, any time Defense Counsel  
18 wanted to reserve a bill, knowing the  
19 testimony would not be proper, although  
20 the Jury might be removed, he could  
21 still get in what he wanted to get in-  
22 to the record.

23 MR. DYMOND:

24 It's on the basis of that very article that  
25 we contend we do have a right to do

325

RELEASED PER P.L. 102-826 (JFK ACT)  
NARA DATE 11/23/93

1           this, this is testimony that is  
2           necessary to make up the bill of ex-  
3           ception.

4       THE COURT:

5           I will permit you to proceed in this  
6           matter for this reason: You feel  
7           that the answer to be sought from the  
8           witness may have a great bearing on  
9           your bill to be considered by the  
10          Court. I will permit you to proceed.

11   BY MR. DYMOND:

12   Q     At any of these meetings, wherein you saw David  
13           Ferrie and spoke with him, after the  
14           assassination of President Kennedy, did he  
15           ever caution you to keep quiet about what  
16           you had heard on Louisiana Avenue Parkway?

17   A     No.

18   MR. DYMOND:

19           That's all.

20   THE COURT:

21           Bring the Jury back in.

22   MR. DYMOND:

23           We will ask that that answer be made part  
24           of the bill too.

25           Now, if the Court please, in the presence

RELEASED PER P.L. 102-896 (JFK ACT)  
NARA Quel DATE 11/23/93

327

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA DATE 11/23/93

1 of the Jury, I would like to reserve  
2 my bill of exception, making the  
3 Defense question, the State's objec-  
4 tion, the reasons for their objection,  
5 the answer of the witness which was  
6 taken outside of the presence of the  
7 Jury, and the Court's ruling and the  
8 entire record up until this point,  
9 parts of the bill.

10 THE COURT:

11 All right.

12 BY MR. DYMOND:

13 Q Now, Mr. Russo, how many times in total did  
14 you see the man whom you termed Leon  
15 Oswald?

16 A Four.

17 Q Four times?

18 A Four times.

19 Q Let's go back to the first time that you ever  
20 saw him. Would you relate the circumstances  
21 surrounding that incident.

22 MR. ALCOCK:

23 I object to this at this time. I realize  
24 that Counsel has wide latitude on  
25 cross-examination, but I feel that we



have been down this path before,  
and that this is highly repetitious.  
We went into this yesterday, we went  
into this today, how many times are  
we going to go over this ground?

MR. DYMOND:

This series of questions does have a purpose and will be connected up.

THE COURT:

You may proceed.

BY MR. DYMOND:

Q Would you give us the circumstances surrounding your first meeting with Leon Oswald.

A Well, I went up to Ferrie's apartment, I think I was in Ferrie's automobile, and Oswald, or at least the guy I had never met was on the front porch rocking or sitting, and we went up the staircase into the house and he introduced me, and at that time he was polishing or wiping a rifle, and he didn't stay there long, he left after a little bit.

Q You say you were introduced to him at that time?

A Yes.

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA 248 DATE 11/23/93

1 Q Now, had you arrived at the house with David  
2 Ferrie?

3 A I am not sure, I think I did that night, but I  
4 remember he said something about the guy  
5 up on the porch, you know, at nighttime.

6 Q You say this was nighttime. Is that right?

7 A Oh, yes.

8 Q Could you approximate the time of night?

9 A No.

10 Q Could you tell us approximately what date this  
11 was?

12 A No, it was in September, right before the party,  
13 that was the first time I had ever seen  
14 the guy.

15 Q You say it was in September of 1963?

16 A Right.

17 Q At that time did you have any conversation with  
18 Leon Oswald?

19 A Well, there was antagonism, he just didn't seem  
20 to take towards being very social.

21 Q Now, when was the next occasion on which you  
22 saw him?

23 A A few nights later.

24 Q About how many?

25 A Two or three nights, three nights.

RELEASED PER P.L. 102-596 (JFK ACT)  
NARA Smith DATE 11/23/93

- 1 Q Two or three nights later?
- 2 A Yes.
- 3 Q What were the circumstances surrounding that?
- 4 A Well, I was coming back from uptown, I think
- 5 playing basketball and we came in and
- 6 everybody was, you know, the night of
- 7 that meeting, with everybody --
- 8 Q So the night of the meeting was the second time
- 9 that you had seen him. Is that right?
- 10 A Right.
- 11 Q On the night of this meeting and the party, did
- 12 you hear Oswald introduced to anyone?
- 13 A The night of the meeting and the preceding night
- 14 he was introduced to me.
- 15 Q The night of the meeting and the party which
- 16 preceded it?
- 17 A The night of the meeting is the same as the
- 18 party, right, and the previous time that
- 19 I went up there.
- 20 Q On the night of the party and meeting, did you
- 21 hear Leon Oswald introduced to any of the
- 22 other guests?
- 23 A No, they were there already, I am sure he was,
- 24 Dave Ferrie took pains to introduce him.
- 25 Q Did you hear him referred to by name that night?

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA *md* DATE 11/23/93

331

1 A No, I don't think so.

2 Q Did you know his name that night?

3 A I had been introduced to him a couple of nights  
4 before.

5 Q So you remembered his name?

6 A It was the same guy, yes.

7 Q Now, after the night of the party and meeting,  
8 when was the next time you saw Leon Oswald?

9 A Several days later.

10 Q Several days later. What were the circumstances  
11 surrounding that?

12 A Well, I just dropped in, and he evidently was  
13 having trouble with his wife or something  
14 to that effect and I left.

15 Q Who else was there?

16 A Ferrie.

17 Q Just Ferrie and Leon Oswald?

18 A Right.

19 Q Did you know his name at that time?

20 A Well, it was the same guy that had been intro-  
21 duced to me.

22 Q Then the last time that you saw Leon Oswald,  
23 when was that?

24 A Just a day or so after that, a few days after  
25 that.

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA *gnd* DATE 11/23/93

1 Q What were the circumstances surrounding that?

2 A Again I just dropped in, that was probably --

3 I was probably uptown, might have been the  
4 first week of class or would have been the  
5 registration time period or anything right  
6 along there, because I was going uptown  
7 for the last time, I think it was during  
8 the day.

9 Q You heard his name mentioned that time?

10 A No.

11 Q Did you have any conversations with him?

12 A No.

13 Q It is your testimony that he was about to leave  
14 for Houston at that time?

15 A I heard the name Houston mentioned, I am not  
16 sure whether he was going, but he was  
17 leaving.

18 Q Who mentioned the name Houston?

19 A Dave Ferrie.

20 Q Of course you knew what Leon Oswald's name was  
21 at that time, didn't you?

22 A Right.

23 Q Now, right after President Kenney was assassi-  
24 nated, would I be correct in saying that  
25 you heard the name Lee Harvey Oswald on

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA 448 DATE 11/23/93

1 television many times, on radio and saw  
2 it in the newspapers?

3 A Right. Well, that is in line with what I was  
4 asked on WAFB Television, the transcript  
5 you read to the Jury, about Lee Harvey  
6 Oswald. It is true that I did not know  
7 a Lee Harvey Oswald and I have stuck to  
8 that since. The guy that I knew was Leon  
9 Oswald, and when Sciambra showed me the  
10 photograph, essentially it was the same  
11 guy, but that was Lee Harvey's photograph  
12 there.

13 Q Had you connected the two names at all, the  
14 identity, the fact that the two last names  
15 were identical before that?

16 A I told a couple of friends of mine that I knew  
17 him or I had known him.

18 Q Oh, you did?

19 A Right.

20 Q What friends did you tell this to?

21 A My cousin recalled it, and probably I told  
22 several people that, but probably I am  
23 almost sure I told my cousin, because he  
24 mentioned it to me, and probably I told  
25 some people at school, but I am not sure

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA *Ames* DATE *11/23/93*

who they were.

Q Now, you have testified that Leon Oswald was  
Ferrie's roommate at that time.

A That is the way Ferrie introduced him.

Q And that is what you have termed Leon Oswald  
in your previous statements concerning this  
case, haven't you?

A Oh, on the stand, yes.

Q Now, I refer you to the second paragraph on  
Page 4 of the Sciambra memorandum.

A Second paragraph, yes.

Q Composing, on the fifth line of this second  
paragraph, I will read the statements made,  
"He said that Ferrie introduced him to some  
one he called his roommate. He said  
Ferrie mentioned his name but he can't re-  
member it right now." Now, did you correct  
that statement when you went through the  
Sciambra memorandum making corrections  
yesterday?

A I corrected the essence of the paragraph, although  
I don't have my copy here, but I corrected  
the essence of the paragraph, that this is  
some -- some of this essentially was pre-  
viously what we were talking about and some

1 of it was not, it did not clearly bring  
 2 into focus what we talked about.

3 Q Your testimony now, Mr. Russo, is that you did  
 4 not tell Mr. Sciambra in Baton Rouge that  
 5 you could not remember the name of Ferrie's  
 6 roommate?

7 A Is it my testimony that I did not?

8 Q Is it your testimony that you did not tell Mr.  
 9 Sciambra that you were unable to remember  
 10 the name of Ferrie's roommate?

11 A Are you asking two negatives now? I don't  
 12 understand.

13 Q I will try to rephrase it.

14 A Would you put it in the affirmative, an  
 15 affirmative question.

16 Q Is it your testimony at this time that the  
 17 statement contained in this memorandum to  
 18 the effect that you were unable to remem-  
 19 ber the name of Ferrie's roommate is in-  
 20 correct?

21 A That statement is incorrect.

22 Q Is that statement contrary to the statement  
 23 concerning this that you made to Mr.  
 24 Sciambra?

25 A This is, well, part of it is right, part of it

RELEASED PER P.L. 102-386 (JFK ACT)  
 NARA DATE 11/23/93



1 is not. I picked the whole paragraph and  
2 said the essence of this paragraph is  
3 incorrect, some of it is right and some  
4 of it is not.

5 Q Did you tell Mr. Sciambra that you knew the  
6 name?

7 A Right, I did.

8 Q Of Ferrie's roommate?

9 A Right.

10 Q Did you give Mr. Sciambra the name of Ferrie's  
11 roommate?

12 A Yes.

13 Q And still you do admit in his memorandum Mr.  
14 Sciambra says that you were unable to re-  
15 member that name?

16 A Well, I am not going to hold by that memorandum,  
17 that is for Mr. Sciambra to answer about  
18 that.

19 Q I will ask you, you have read this memorandum  
20 over, you read it yesterday?

21 A Right.

22 Q Is there any statement in this memorandum identi-  
23 fying Ferrie's roommate as Leon Oswald?

24 A Well, towards the back of the statement, as I re-  
25 call it in there, I am not looking at the

RELEASED PER P.L. 102-596 (JFK ACT)  
NARA *Smith* DATE *11/23/93*

statement now --

Q I ask that you look at the statement now and  
tell me where you can find any place in  
there where it does.

A Leon is mentioned right in the back, but that  
is not when we mentioned it, the last page,  
Page 7, and that is the only place it is  
mentioned.

Q Would you read the portion that you claim  
clarifies that.

A Well, I am not saying it verifies it, but it is  
the only place, he says that the name Leon  
really rings a bell, you see that on the  
third line, that is the only place it was  
mentioned in here.

Q Now, is it your testimony that you told Mr.  
Sciambra that the roommate's name was  
Leon Oswald?

A I told him, right.

Q And of course you don't know why it would not  
be in his memorandum, do you?

A No.

Q Now, Mr. Russo, I would like to ask you whether  
you were acquainted with certain people  
in connection with your acquaintance with

RELEASED PER P.L. 102-896 (JFK ACT)  
NARA 2008 DATE 11/23/93

1 David Ferrie. Did you ever know a man  
2 or boy by the name of Tommy Compton?  
3 A I knew one by the name of Tommy, but I don't  
4 know the last name.  
5 Q Do you know whether or not Tommy Compton ever  
6 roomed with David Ferrie?  
7 A Ever rolled what?  
8 Q Roomed, was a roommate of David Ferrie?  
9 A The only roommate that I know was Oswald.  
10 Q Did you ever know a man or boy by the name of  
11 Layton Martens?  
12 A I know him now, I did not know him then, no.  
13 Q When did you first make his acquaintance?  
14 A I guess about a year ago, a year and a half ago.  
15 Q Now, since your meeting Layton Martens about a  
16 year or a year and a half ago, did you ever  
17 have any conversations with him?  
18 A We have.  
19 Q In your meetings or your acquaintance with  
20 Layton Martens, your conversations with him,  
21 have you ever discussed this case, Mr.  
22 Russo?  
23 A Oh, a little bit.  
24 Q Mr. Russo, do you recall on August 15, 1968,  
25 picking up Layton Martens in your automobile

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 11/23/93

1 as he was walking in the French Quarter?

2 A Probably, you know, if I saw him on the street

3 I would have stopped, I am sure.

4 Q I take it you are not sure of the date?

5 A Of the date, no.

6 Q I am going to ask you whether you made certain

7 statements to Layton Martens upon that

8 occasion. First, referring to this case,

9 "This is the most blown-up and confused

10 situation I have ever seen." Do you re-

11 call having made such a statement?

12 A Something similar to that, not exactly those

13 words, yes.

14 Q But you did say something similar to that. Is

15 that correct?

16 A Right.

17 Q Did you also make this statement, "I don't think

18 any of these people involved excepting

19 Sheridan and Townley should be convicted

20 of anything because they didn't do any-

21 thing"?

22 A No, what we were talking about --

23 Q I am asking you whether you made that statement.

24 THE COURT:

25 You --

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

1 MR. DYMOND:

2 I will ask the answer to the question and  
3 then an explanation.

4 THE COURT:

5 I was about to tell him that, answer the  
6 question, answer the question either  
7 yes or no and then you are able to  
8 explain.

9 A Yes.

10 BY MR. DYMOND:

11 Q Now, if you care to explain, go ahead.

12 A The explanation is this: During the period of  
13 '67 all the way up to the summer, there  
14 were three phonies that used to come over  
15 to the house, one was James Phelan, he had  
16 the pretense of being a newspaper reporter,  
17 he was attempting to interfere with the  
18 investigation, he was followed on his  
19 heels by Rick Townley of WDSU and Walter  
20 Sheridan, I guess he is of NBC and not  
21 WDSU, and right in quick succession these  
22 people came along, not attempting to report  
23 any news at all, attempting to create news  
24 or change testimony or to force a change  
25 in testimony or asking me to change it,

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA *Quetz* DATE *11/23/93*

341

1 things like that, and that is essentially  
2 what I was stating then, three people,  
3 of course, others too, but these three  
4 were serious, they told me they would cut  
5 Garrison down and he couldn't get elected  
6 dogcatcher, the only thing they were after  
7 was busting Garrison down to his knees.  
8 I told Layton Martens on several occasions  
9 essentially the same thing, I said that  
10 of course Phalen initially was trying to  
11 report the news, but where he went bad I  
12 don't know, and Walter Sheridan didn't re-  
13 port anything and Rick Townley didn't have  
14 any serious attempts to report either,  
15 they were trying to make the news, being  
16 like the midget that slayed the dragon or  
17 whatever it was. I don't know what role  
18 they were playing, but I told him, I said,  
19 "Rick Townley and Walter Sheridan, both  
20 of them are scum, and I would like to see  
21 both of these two in jail."

22 Q But you did make the statement, "I don't think  
23 any of the people involved excepting  
24 Sheridan and Townley should be convicted  
25 of anything because they didn't do any-

RELEASED PER P.L. 102-696 (JFK ACT)  
NARA AKA DATE 11/23/93

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 11/23/93

1 thing"?

2 A Absolutely.

3 Q You said that? I ask you whether you made  
4 this statement on that occasion: "I  
5 really didn't know Ferrie very well, but  
6 I did meet him, he was with Emilio Santana  
7 and another blond-haired man named Lauren."

8 A Named what?

9 Q Lauren, L-a-u-r-en.

10 A I don't remember that name at all, I do remember,  
11 and in our discussions -- I will skip  
12 Emilio Santana for a minute, no, that  
13 statement I did not make.

14 Q You did not make?

15 A No, I just wanted to answer your question.  
16 Layton Martens told me essentially, "This  
17 is the way I knew Dave Ferrie," and I said,  
18 "Well, I didn't know him like that at all,  
19 this is the way I knew Dave Ferrie," and  
20 he said he didn't know him like that, and  
21 his summation was that Dave Ferrie had these  
22 multi-aspects to his personality and having  
23 that, and I said, "Well, that is true, I  
24 probably didn't know him real well," be-  
25 cause I didn't know any of the things he

RELEASED PER P.L. 102-636 (JFK ACT)  
NARA Smith DATE 11/23/93

1 told me and they were alien, as far as  
2 my knowledge of Dave Ferrie, they were  
3 alien to his personality.

4 Q I ask you whether you made this statement on  
5 that occasion: "I met Ferrie through Allen  
6 Landry's parents, his mother in particular,  
7 she insisted that Ferrie was a homosexual  
8 and was trying to take Al away from home,  
9 she hated him."

10 A The Landrys?

11 Q Yes.

12 A Essentially that, yes.

13 Q I now ask you whether you recall having seen  
14 Layton Martens approximately two days  
15 after the first incident which I have re-  
16 called to you.

17 A Well, I am not sure of the date.

18 Q More particularly on August 17, 1968, at  
19 approximately 11:30 p.m.

20 A I am not sure of the date, no.

21 Q But you did see him shortly after that?

22 A I saw him on several occasions, yes.

23 Q On your next meeting with Layton Martens, I want  
24 to ask you whether you made these state-  
25 ments: "I have made most identifications



1 on the basis of photographs alone."

2 A Well, absolutely right.

3 Q The next one, "I am sure of the identification  
4 I made of Shaw but not 100 per cent. I  
5 want to meet with him to make absolutely  
6 sure, but I am afraid to. It could have  
7 been Bannister and Lewallen."

8 A No, that is absolutely false.

9 Q You say you did not say that. Is that right?

10 A Yes, I will give you what I said in line with  
11 that.

12 Q All right.

13 A James Phalen made it a big point that he felt  
14 it was Bannister. Now, Lewallen's name  
15 did not come up until Walter Sheridan,  
16 Rick Townley showed a picture of Lewallen  
17 to me, but Phalen made a big point of this,  
18 and I was talking to Martens about it and  
19 I told him essentially that I said I was  
20 sure 100 per cent, but I said in a case  
21 like this you have to be sure 1,000 per  
22 cent, and I said that Phalen went as far  
23 as setting up not an appointment, but over  
24 in Biloxi, which the D.A.'s Office knew  
25 about because they bugged the house, they

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

345

1 had it watched and they had tape-recorded  
2 the conversations, but they knew, and Mr.  
3 Phalen was going to set up in the Town of  
4 Biloxi or Gulfport or Bay St. Louis where  
5 the Defendant would be there and I would  
6 happen to drop into the same motel or some-  
7 thing along that line, and I told Layton  
8 Martens in a case as serious as this, you  
9 would have to be 1,000 per cent sure  
10 although it was impossible to be that, but  
11 I was 100 per cent sure. Does that make  
12 sense?

13 Q Isn't it true that you asked this meeting with  
14 Shaw be set up?

15 A You are talking about with Phalen?

16 Q I am talking about the meeting with Phalen.

17 A I am not real sure of who initiated that. I  
18 added it probably in a general sense, and  
19 he said, "Well, --" the best way and the  
20 impossible way of course would be for me  
21 and Shaw to get together, I said if that  
22 is possible, and I said it is not, and he  
23 let it drop, and Phalen came the next day  
24 and said, "Well, I have it set up for this  
25 weekend, I can get Shaw to go over to

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA *quid* DATE 11/23/93

1            Biloxi or be in Biloxi," and he said, "You 346  
2            can just drop in," and I said, "Well,  
3            that won't work because Shaw would have  
4            a wall that thick in front of him, it  
5            would serve no apparent purpose, the only  
6            way you could know a person is to have  
7            it unmolested and unharassed, and in the  
8            particular position he is in, it just  
9            would not be a free conversation.

10        Q        Shaw agreed to meet with you on that occasion,  
11                didn't he?

12        A        I don't know if Shaw did or he didn't. I am  
13                just telling you what Phalen said.

14        Q        But you did want, you did want to meet with  
15                Shaw to get 1,000 per cent sure as you  
16                have said. Is that correct?

17        A        No, I said I was 100 per cent sure, but I say  
18                in a case of this magnitude, I was talking  
19                about from my own aspects, so much pressure  
20                being applied from people, from WDSU and  
21                from NBC and of course James Phelan, just  
22                a tremendous amount of pressure to alter  
23                your testimony, because they were sure they  
24                were right, they were sure that Shaw was  
25                not there and it was probably Bannister or

1 Lewallen or somebody else, maybe, and that 347  
2 I said in a case of this magnitude, you  
3 should be 1,000 per cent sure, but in a  
4 criminal court you can't be, you can only  
5 be 100 per cent.

6 Q Would it be fair for me to say you wanted to be  
7 surer than you were?

8 A Would it be fair to say? No, it would not be  
9 fair to say that, no.

10 Q Well, 1,000 per cent would be more sure than  
11 100 per cent?

12 A In a different way, it is this way: I went into  
13 great explanation with Phalen, I don't know  
14 if I talked to Layton Martens about this,  
15 but I went into a long explanation with  
16 Phalen from the period of February 25th  
17 on, when I saw him it was late -- well,  
18 May, and of course Townley and Sheridan  
19 were in June, but I went into a long ex-  
20 planation of black versus color about what  
21 I thought of the whole situation, I said  
22 this had been a personal turmoil for many  
23 people of course as well as for the De-  
24 fendant too, but as many people that were  
25 calling, I didn't mind Ken Elliot or Alec

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 11/23/93

1 Gifford or Jim Kemp, they would just ask  
2 questions and let it go at that, but these  
3 people from WDSU didn't, they tried to  
4 alter the news and get down to making the  
5 news, and I was not only 100 per cent sure  
6 because I said that instantly upon seeing  
7 Mr. Shaw stick his head out of the door on  
8 1313 Dauphine Street, but I said it would  
9 probably be -- this is theoretical, and  
10 of course this is just theoretical, it is  
11 a good thing if you could be 1,000 per  
12 cent sure.

13 Q Well, 1,000 per cent in your way of putting it  
14 would be surer than 100 per cent?

15 A Well, 100 per cent is completely sure.

16 Q What do you mean by 1,000 per cent?

17 A 1,000 per cent is something that you can never  
18 reach, if you really want to know. Let's  
19 suppose there is a man that is walking  
20 around in the City of New Orleans 54 or 55  
21 and has white hair and the same structure,  
22 the same physical structure, let's suppose  
23 there is a man, I haven't seen him, I have  
24 seen the Defendant. Now, that I am sure of,  
25 and I saw him at Dave Ferrie's apartment and

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA *Shed* DATE 11/23/93

1 I saw him with Oswald and Ferrie and they  
2 shot the breeze about killing the President.  
3 No, if there is a man and he would walk in-  
4 to this door right now and he would look  
5 similar to the Defendant, then I would have  
6 to think it over, but at this point I am  
7 absolutely sure 100 per cent that the De-  
8 fendant is the man that was there.

9 Q You say the Defendant is the man who was there  
10 shooting the breeze about killing the  
11 President. Is that right?

12 A Right, in September you are talking about?

13 Q Now, to use your words, Mr. Russo, didn't you  
14 say that you would like to get in a room  
15 with Shaw and hear him talk and --

16 A Again I want to get to the theoretical concept  
17 of justice that I have, yes. The best  
18 thing to do would be to get into a man's  
19 mind and think what he thinks, but that is  
20 not possible either, and I was trying to  
21 give an example of this to -- if you are  
22 referring to Layton Martens, I am referring  
23 to James Phalen because I told him the same  
24 thing essentially, the thing is you can  
25 never be too sure.

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA *SHL* DATE *11/23/93*

(A pause in the trial while the Reporter added a new pad of Stenographic paper.)

BY MR. DYMOND:

Q Now, Mr. Russo, did I understand you to say that this last statement here, "It could have been Bannister and Lewallen" was impossible because you didn't know of Lewallen at that time?

A No, Rick Townley showed me a picture of Lewallen, and I think the District Attorney's Office showed me a picture of Lewallen, but they didn't name anybody, they just showed me pictures.

Q Did the picture that you were shown have a beard on the face of Lewallen or not?

A Rick Townley's picture, yes.

Q Do you recall the picture of Lewallen having been shown to you by me during the preliminary hearing in this case?

A Oh, yes, you showed it also, right, correct.

Q So, as a matter of fact, you did know about Lewallen, you did?

A You did show it to me.

Q At the time you were talking with Layton Martens?

RELEASED PER P.L. 102-896 (JFK ACT)  
NARA DATE 11/23/93

351

1 A This is '68, right, you are giving me a '68  
2 date, August?  
3 Q August 17, 1968.  
4 A You are right.  
5 Q Now, you say the District Attorney also showed  
6 you a picture of Lewallen. Is that right?  
7 A The District Attorney?  
8 Q Yes.  
9 A Yes, I guess. Now, I am not sure.  
10 Q Did that picture have a beard on it or not?  
11 A Well, I have seen so many pictures, I suppose  
12 one of those, and there were several with  
13 beards on them, several people.  
14 Q Did the District Attorney ever put a beard on  
15 the picture of Lewallen, that is, draw it  
16 in and in either ink or pencil?  
17 A No beards were put on any pictures, and I don't  
18 know, no one was identified in the pictures.  
19 Q The only picture that you saw a beard put on was  
20 the picture of Lee Harvey Oswald. Is that  
21 correct?  
22 A Right.  
23 Q Now, I am referring to the same occasion of your  
24 talking with Layton Martens now, Mr. Russo,  
25 and I will ask you if you made this state-

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA *Shuck* DATE 11/23/93



RELEASED PER P.L. 102-626 (JFK ACT)  
NARA *guc* DATE 11/23/93

1                   ment: "I am afraid to make any move because  
2                   no matter what move I make, one side or the  
3                   other will come after me resulting in  
4                   criminal actions against me."

5   A   What do you want to know?

6   Q   Did you make that statement to Layton Martens?

7   A   No.

8   Q   You deny that?

9   A   Yes.

10   Q   I ask you whether you made this statement:

11                "I was supposed to be given \$25,000.00 by  
12                Garrison."

13   THE COURT:

14                When you bring up prior contradictory state-  
15                ments, you have to acquaint the wit-  
16                ness of when it was said, to whom it  
17                was said, and under what circumstances.

18   MR. DYMOND:

19                We have done that, Judge.

20   THE COURT:

21                You haven't been as to who --

22   MR. DYMOND:

23                All of this is to Layton Martens.

24   THE WITNESS:

25                I do.

1 BY MR. DYMOND:

2 Q "I was supposed to be given \$25,000.00 by  
3 Garrison for helping him out, but thus  
4 far I have only received \$300.00."

5 A All right, now, yes, I said that.

6 Q You did say that?

7 A Yes, and there needs to be a long explanation  
8 of that one. Phalen asked me about that,  
9 WDSU asked me about that, and Walter  
10 Sheridan told me, you know, I was getting  
11 money, and I in 1968, when I talked to  
12 Layton Martens, I said, "These characters  
13 said that, they felt I was getting paid  
14 paid off," two rumors, one I was going to  
15 get \$25,000.00 and the other I had gotten  
16 \$5,000.00 before and I would get \$5,000.00  
17 after the Defendant was convicted, those  
18 were the two rumors, but, you know that  
19 guy from WDSU had the gall to ask me that,  
20 and so if I said that, he just was cutting  
21 off the first part of the sentence, I said  
22 they said I was getting \$25,000.00.

23 Q You deny that you told him that you were sup-  
24 posed to be given \$25,000.00 by Garrison  
25 for helping him out, but that thus far you

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA *gub* DATE 11/23/93

had received only \$300.00?

354

A Absolutely. With the understanding that, you know, like I told you I said it.

Q Now, as a matter of fact, as of that date, had you received \$300.00?

A In August of 1968?

Q That is correct.

A During the preliminary hearing I was down here for about -- before the preliminary hearing a little while, right afterwards I was here for about three weeks with no -- doing no work at all, and the District Attorney covered expenses up to \$300.00, and twice after that, once with the Dean Andrews trial, while I was on subpoena, and I think the District Attorney's Office, some kind of check for about \$45.00 or \$50.00.

Q How long were you here for that time?

A Four days, I think, four days, and there was only one other time, similar amount.

Q When was the other occasion?

A I can't -- a hearing that you were having.

Q And what was the total amount you received on those occasions?

A Approximately the same amount, \$50.00 or \$60.00

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 11/23/93

or \$70.00.

355

Q On each occasion?

A No, two, one was about \$50.00 and the other was \$60.00 or \$70.00, and the other before the preliminary hearing for three or four weeks, I missed work, they paid \$300.00.

Q Now, I ask you whether on that same occasion you made this statement to Layton Martens: "I am going to California very soon to get away from this."

A Absolutely, I made that statement. Do you want to know why? I had been planning to go to California since Mr. -- before Mr. Shaw was indicted, I planned to go to California that summer, and there were several hearings of course, and the trial was delayed and I put it off until the next summer, and there were more hearings and the trial was again delayed and I put it off to this coming summer, "to get away from it all," absolutely, but I had every intention of returning.

Q I want to ask you whether you made that statement to Layton Martens on the same occasion "I am not real sure if they were plotting

RELEASED PER P.L. 102-636 (JFK ACT)  
NARA DATE 11/23/93

against Castro or Kennedy."

356

A A qualified yes, very qualified.

Q Did you, first of all, did you make that statement, Mr. Russo, and then you may explain it.

A Well, all right, yes, let me put it yes and I am going to say no afterwards, and I want to say yes, but it depends, in other words, Ferrie talked about Castro too, you see, and he thought Castro was a good thing in Cuba, but he wanted to replace him, he thought Che Guevera was better and actually what he wanted, he had a long philosophy about that too, and I told Layton Martens, I said they were plotting both to get Castro and Kennedy, and I said of course with these broad generalizations they were talking about, no specifics at all as to when and where, and they were plotting to get Castro too as well as Kennedy.

Q So actually you told him, you were referring to the night in question on Louisiana Avenue Parkway, weren't you?

A No, referring to the whole year.

Q The whole year?

RELEASED PER P.L. 102-636 (JFK ACT)  
NARA *gnd* DATE 11/23/93

1 A The time I knew -- that year intensively during  
2 the summer.

3 Q Referring to the summer of 1963?

4 A '63, right, I mean, Castro was mentioned proba-  
5 bly up there at the meeting where the  
6 Defendant was, but not a great -- I don't  
7 remember anything specifically being said  
8 about Castro, but I know days before Ferrie  
9 talked about Castro, sometimes he talked  
10 about the Gueverian Reform was a good  
11 thing, sometimes he talked about the  
12 economics of Cuba and sometimes he talked  
13 about Castro had to go.

14 Q So when you told Layton Martens that you were  
15 not sure whether they were plotting to get  
16 Kennedy or Castro, you were referring to  
17 the summer of 1963 in general?

18 A It would probably be the whole thing.

19 Q Were you referring to any other time that more  
20 than one person got together and planned to  
21 kill somebody, and if so, what specific time?

22 A No, nobody much talked around Ferrie. He came  
23 over and said quite a few things about kill-  
24 ing people or killing Presidents.

25 Q Now, during the summer of 1963, did you attend

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA *ms* DATE 11/23/93

1 any other parties or meetings where there  
2 would have been anything that went on that  
3 could have been interpreted as a plot to  
4 kill anyone?

5 A No, except broad generalized remarks that Ferrie  
6 made. It was not at a meeting or party  
7 or anything else, sometimes he would pass  
8 over, and if I happened to be reading or  
9 studying or working with the basketball  
10 team or anything like that, he might get  
11 on the subject.

12 Q Now, Mr. Russo, in your statement that you made  
13 to Layton Martens, you said you were not  
14 sure whether they were plotting to kill  
15 Castro or Kennedy, and in using the word  
16 "they," you would be referring to more than  
17 one person, would you not?

18 A Right.

19 Q Therefore, you would not have made that  
20 reference had you been referring to only  
21 David Ferrie having made the statement,  
22 would you?

23 A Oh, well, I mean if I am including the whole  
24 year, surely I would say "they," because  
25 we did not break it down.

RELEASED PER P.L. 102-086 (JFK ACT)  
NARA *Qua* DATE 11/23/93

1 Q And your statement referring to the entire 359  
2 summer of 1963 and not knowing whether  
3 they were plotting to kill Castro or  
4 Kennedy would have included the party up  
5 at David Ferrie's house and the meeting  
6 that you described which took place after.  
7 Is that right?  
8 A Yes.  
9 Q Now, is it your testimony that you did not know  
10 James Lewallen at all?  
11 A No, I did not.  
12 Q Mr. Russo, I show you a photograph which I have  
13 marked for identification "D-10," purporting  
14 to be a photograph of James Lewallen, and  
15 I will ask you whether or not that looks  
16 familiar to you.  
17 A No, I have seen a similar photograph.  
18 Q To your knowledge, have you ever seen the person  
19 depicted by that photograph?  
20 A No.  
21 Q I take it you never talked to him either then.  
22 Is that right?  
23 A No, I don't think so.  
24 Q Now, I show you another photograph which I have  
25 marked for identification "D-11," purport-

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA *duf* DATE 11/23/93



1 ing to be a photograph of the same  
2 person and ask you whether you recognize  
3 the person depicted by that photograph.

4 A This, the smaller photograph, D-11, looks like  
5 that I could have possibly seen this man,  
6 but not "D-10."

7 Q Referring to the photograph which I have marked  
8 for identification as "D-11," would you  
9 say that the hair shown on the individual  
10 in that photograph was just about as thick  
11 or thicker or not as thick as the hair of  
12 the person whom you have described as  
13 Leon Oswald?

14 A No, I'm not real sure of the differences, it  
15 seems that the other hair was messed up,  
16 -- I couldn't say if it was lighter or  
17 heavier.

18 Q I am not referring to color, now.

19 A No, well, thicker or lighter?

20 Q I will ask you the same question concerning the  
21 photograph marked for identification, "D-10."

22 A This looks a little heavier.

23 Q That would be heavier than the hair of Leon  
24 Oswald?

25 A Right.

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA *due* DATE 11/23/93

MR. DYMOND:

If the Court please, in connection with the testimony of this witness, we would like to offer, file, and produce in evidence the two photographs which we have marked for identification "D-10" and "D-11."

THE COURT:

Any objection?

MR. ALCOCK:

No objection.

THE COURT:

Let them be received in evidence. (Whereupon, the photographs offered by Counsel were duly marked for identification as "Exhibit D-10" and "Exhibit D-11" and received in evidence.)

BY MR. DYMOND:

Q Did you ever know a man or a boy by the name of Alvin Beauboeuf?

A No, sir.

Q Have you been introduced to a person at David Ferrie's house by the name of Alvin Beauboeuf?

1 A No, not that I know of. I have only seen one  
2 picture of Beauboeuf in the newspaper, and  
3 from that picture I don't know.

4 Q Would you be willing to state that during the  
5 year 1961, the year 1962 and the year 1963,  
6 that Alvin Beauboeuf never lived with David  
7 Ferrie?

8 A Would I be willing to state that?

9 Q Yes.

10 A I don't even know him.

11 Q During those years, were you in a position  
12 concerning your association with Ferrie,  
13 to be aware of the fact that a particular  
14 individual was living with him?

15 A No, I would not be aware of that, no.

16 Q During which of those years do you feel that you  
17 would have been aware of --

18 A Only when he told me. You see, always he had  
19 people around him, sometimes he had Spanish  
20 people, sometimes younger people, he always  
21 had people around, and if you wanted to pick  
22 out one of them, this guy is his roommate  
23 for six months and this guy is the roommate  
24 for the next six months, the only time I  
25 ever knew he had a roommate was this guy

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA *Quetz* DATE *11/23/93*

Oswald.

Q During the year 1963, considering the frequency of your visiting at David Ferrie's home, do you feel that a person could have been living there with him without your knowing about him, living there for a period of six months or more?

A Conceivably.

Q Did you ever know a man by the name of Melvin Coffey?

A I never seen a picture of him, I have been asked that before.

Q I take it you never met Coffey in person?

A Not by name, I haven't seen a photograph that I could really tell you that anyone ever told me this is a photograph of Melvin Coffey. I never heard that name.

Q Did you know Maurice Brundy?

A I do now.

Q Did you know him back in 1963?

A No.

Q Did you know any of Dave Ferrie's friends?

A Well, they had many worlds, even Layton Martens said that, many worlds they belonged in.

Q Well, I will be more specific and ask you whether

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA *duh* DATE 11/23/93

you knew any of the friends who frequented

364

David Ferrie's home during the year 1963.

A Some, not by name, I didn't see them, you know,

I would just see people.

Q Did David Ferrie introduce you to people at his home?

A Yes.

Q And you don't remember any names?

A Nobody stuck out, it was just the same crew, if he was over at the house he just was with one or two people most of the time, none of these people ever amounted to anything.

Q Is it your testimony that you cannot now name one friend of David Ferrie's whom you met at his home other than Leon Oswald and Clem Bertrand and the two Mexicans?

A There was a young guy named Tommy, it might have been the Tommy that you were referring to, I don't know, that would be about all of the names that I would want to say definitely.

Q You can't name any others?

A No.

Q You had an open invitation to David Ferrie's house and he had an open invitation to yours?

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

1 A As I stated in the preliminary hearing and what  
2 I said to you, of the 20 or 30 times that  
3 I was over there, I might have not stayed  
4 over five minutes on half of them or two-  
5 thirds of them and the other few times I  
6 did stay for some period of time.

7 Q Have you ever known a man by the name of Guy  
8 Bannister?

9 A I have seen him somewhere, I have seen photo-  
10 graphs of the man. I have seen him some-  
11 where.

12 Q Did you say that you have met Guy Bannister,  
13 or have you just seen pictures of him?

14 A I have seen him but just where I am not familiar  
15 it may have been with Ferrie, I don't know.

16 Q You can't tell us where you saw him with Ferrie?

17 A Well, I am not sure it was with Ferrie, I have  
18 seen him somewhere, though.

19 Q Mr. Russo, I show you a photograph which I have  
20 previously marked for identification "D-1,"  
21 and ask you whether this is the person  
22 you remember having seen as Guy Bannister.

23 A Well, I mean, I never saw anyone as Guy Bannister,  
24 but I think I have seen this man, yes.

25 Q I show you another photograph of the same indi-

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA *duff* DATE 11/23/93

vidual which I have marked for identification as "Defense 2," purporting to be a photograph of Guy Bannister, and ask you whether you have seen that man.

A Right, I think I have.

Q I ask you to search your memory and tell us whether it is possible that you can tell us where you saw Guy Bannister and under what circumstances.

A Well, I thought about this for a long time, and I just can't place him, I was thinking politically, perhaps, and I said no, I didn't see him anywhere there, and I thought about Ferrie, and it is possible that I could have seen him with Ferrie, but I am just not sure where I had seen this man before.

Q Would your memory be able to tell us if you saw him with Ferrie, possibly where he was?

A If I could remember I saw him with Ferrie, probably I could think of where, I am sure.

Q Are you unable to do that?

A I thought about this for sometime, I know I was never formally introduced to him.

Q Do you recall whether or not this man had a hat

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA *MSB* DATE *11/23/93*

1 on when you saw him?

2 A No, I don't recall.

3 Q Do you recall whether he had white hair --

4 A Whether he had white hair?

5 Q Yes.

6 A Yes.

7 Q He did have white hair. Do you recall approxi-  
8 mately how tall a man he was?

9 A Oh, no.

10 Q Do you recall his approximate build and weight?

11 A No, I don't, but I have a feeling, though, I  
12 don't want to stand by this, I have a feel-  
13 ing he was in -- might have been in an  
14 automobile that I saw him in around the  
15 house, I am not going to say that.

16 Q Would you be able to recollect as to whether he  
17 was a fat man, a skinny man, or a normally-  
18 built man?

19 A No.

20 Q You would not?

21 A No.

22 MR. DYMOND:

23 If the Court please at this time, we would  
24 like to offer, file, and introduce into  
25 evidence the two photographs which have

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA DATE 11/23/93



1                   been previously marked "Defense 1"  
2                   and "Defense 2," but have not pre-  
3                   viously been introduced.

4       MR. ALCOCK:

5                   They haven't been identified, have they?

6       MR. DYMOND:

7                   They have been identified as photographs  
8                   of Guy Bannister and the witness said  
9                   he may have seen him with Ferrie.

10      THE COURT:

11                   I will receive them in evidence.  
12                   (Whereupon, the documents referred  
13                   to by Counsel as "Exhibit D-1"  
14                   and "Exhibit D-2" were received  
15                   in evidence.)

16      BY MR. DYMOND:

17      Q       Mr. Russo, have you ever known an attorney by  
18                   the name of G. Wray Gill?

19      A       No.

20      Q       Have you ever known an attorney by the name of  
21                   Jack Wasserman, W-a-s-s-e-r-m-a-n?

22      A       No, I don't think.

23      Q       Never have?

24      A       No.

25      Q       Now, getting back to your testimony of yesterday,

RELEASED PER P.L. 102-826 (JFK ACT)  
NARA mea DATE 11/23/93

did you state that you very frequently  
played basketball up at Tulane and Loyola  
in the evening?

369

4 A Well, once or twice a week.

5 Q And I think you named a group of people with  
6 whom you usually played. Is that right?

7 A Well, this was over a period of several years,  
8 yes.

9 Q Would you mind naming these people again?

10 A That I played basketball with? Well, Kenny  
11 Carter, Joe Cook, Butch Larone was there,  
12 King, Louie Gremillion, David Evelyn, my  
13 cousin, Lefty Peterson, O. J. Lecour from  
14 Tulane.

15 Q How about Mike Ogden?

16 A Oh, no.

17 Q You didn't name him yesterday.

18 A That, I was trying to -- let me clear that up  
19 so I might be able to explain that. He was  
20 in relation to the political stuff, he was  
21 a Republican, I knew Mike, that is the only  
22 way I knew him. That was about getting in-  
23 volved with the Republicans in late '63 and  
24 early '64 when I started getting involved  
25 with the Republicans.

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA *Shed* DATE *11/23/93*

1 Q Now, Mr. Russo, if you had thought that this  
2 was a serious threat on the life of  
3 President Kennedy which was hatched up  
4 on Louisiana Avenue Parkway, would your  
5 loyalty to David Ferrie have prevented your  
6 reporting it to the local authorities?

7 A Well, I had no loyalty to David Ferrie.

8 Q So I take it it would not have prevented your  
9 doing so. Is that correct?

10 A Right.

11 Q Would there have been anything to prevent your  
12 reporting it to the local authorities at  
13 that time in order to possibly prevent a  
14 tragedy, if you had considered this a  
15 serious threat, it a serious threat?

16 A Right about September, before November?

17 Q That is correct.

18 A For a while, no.

19 Q Would I be fair in explaining your reason for  
20 not reporting it by saying that you did  
21 not consider this a serious threat to the  
22 life of President Kennedy?

23 A Well, you don't know how to -- in other words,  
24 you could not tell how to take Ferrie, you  
25 know, whether it was an academic discussion

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA DATE 11/23/93

1 or whether it was something serious, there 371  
2 was always the key to his personality.  
3 Quite a few things he did back up and quite  
4 a few things I don't know if he did or  
5 didn't, but some of them were so fantastic  
6 such as invading Cuba, I couldn't tell if  
7 he was going to invade Cuba or not, and my  
8 tendency would be to say that he would not,  
9 and so, I mean, when it gets down to sitting  
10 down and talking with a man and saying if  
11 he is serious or not, it's hard to say. I  
12 mean, it is just hard to say.

13 Q As a matter of fact, I believe Ferrie even made  
14 a one-man submarine propelled by paddles  
15 which were operated with your hands. Is  
16 that correct?

17 MR. ALCOCK:

18 Objection, that is not in evidence.

19 THE WITNESS:

20 I don't know if it is, I heard --

21 MR. ALCOCK:

22 It is assuming something that is not in  
23 evidence.

24 MR. DYMOND:

25 I withdraw that.

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

1 BY MR. DYMOND:

2 Q Now, I take it then that you didn't know whether  
3 they were just shooting the breeze, whether  
4 this was a bull session or what it was?

5 A Correct.

6 Q And you just didn't consider it important enough  
7 to report. Is that right?

8 A Right.

9 Q Mr. Russo, referring now again to the Sciambra  
10 memorandum, and more specifically to the  
11 third paragraph --

12 A Page What?

13 Q On Page 1, on Page 1, yes, this statement, "Russo  
14 said that he and Landry and a small group  
15 of other boys used to always pal around  
16 together, and that it was common knowledge  
17 to everyone that Ferrie was a homosexual,  
18 and that Russo and his buddies were trying  
19 to alienate Landry from Ferrie." I think  
20 you corrected that yesterday by saying that  
21 you had never said that Ferrie was a homo-  
22 sexual.

23 A I said that Ferrie had never said that, Ferrie --  
24 THE COURT:

25 You said Ferrie never admitted to you --

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA *Qua* DATE 11/23/93

1 THE WITNESS:

373

2 He never stated anything near along those  
3 lines, although I didn't go into this,  
4 this is not exactly the situation  
5 either.

6 BY MR. DYMOND:

7 Q Yesterday you said that you had not said that  
8 Ferrie was a homosexual. Isn't that  
9 right?

10 A I said that Ferrie had not said that.

11 Q And are you saying now that Ferrie never ad-  
12 mitted to you he was a homosexual?

13 A Oh, no.

14 Q Never. I refer you to the same Sciambra memo-  
15 randum on Page 4, approximately 15 lines  
16 from the bottom of the page, wherein you  
17 have given an account of Ferrie having told  
18 you he used an aphrodisiac on his roommate  
19 that aroused the roommate sexually and he  
20 had intercourse with his roommate. Is  
21 that correct?

22 A No. The only -- he said it worked like a --  
23 that is the nearest he ever came to saying  
24 it, I made a point of this down in New  
25 Orleans, probably, the nearest he ever

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

1           came to saying that, but he didn't say  
2           anything about intercourse at all.

3   Q       Is that another correction?

4   A       Right down on Page 2, this is the same thing  
5           essentially, I figured I corrected that  
6           here on Page 2 at the bottom sentence, "He  
7           also said that Ferrie essentially con-  
8           fessed to him he used hypnosis for sexual  
9           purposes," I said that is not correct, and  
10          another thing, on Page 3, "He also admitted  
11          to Russo for the first time that he was  
12          a homosexual and he wanted to know if Russo  
13          would be willing to take a drug," and I  
14          said that is incorrect.

15   Q       That is absolutely not correct?

16   A       Right, and, you know, I just say that --

17   Q       Now, this statement which I shall read to you  
18           right now, "Ferrie told Russo that he had  
19           been trying the aphrodisiac drug on his room-  
20           mate and it worked perfectly, he said that  
21           he and his roommate laid in bed naked and  
22           he gave the drug to his roommate and the  
23           roommate became very passionate and  
24           aggressive and had intercourse with Ferrie."  
25           Are you now saying that is an incorrect

RELEASED PER P.L. 102-896 (JFK ACT)  
NARA DATE 11/23/93

statement?

375

A I covered it essentially with the first two,  
this is what -- "Ferrie told Russo that  
he had tried the aphrodisiac drug on his  
roommate and it worked perfectly," that  
is about it. I essentially covered it  
with the other corrections, covered that,  
Ferrie never ever said that.

Q Are you saying now that Ferrie did not tell you  
that he had intercourse with his roommate?

A He said the roommate tried, that is the nearest  
he came. Now, he never said he did.

Q So then this memorandum is in error once again  
in saying that you told Mr. Sciambra that  
Ferrie had told you that he had intercourse  
with his roommate. Is that right?

A Probably, that is probably just deduction up  
there in Baton Rouge, because I don't re-  
member that.

Q Is there anything right about this memorandum,  
Mr. Russo?

A Well, do you want to go down it page by page?

Q Now, getting to the portion of the memorandum  
which relates the incident concerning  
pornographic film, you have located that?

RELEASED PER P.L. 102-286 (JFK ACT)  
NARA DATE 11/23/93



1 A Right, Page 3.

376

2 Q Is it your testimony now that you did not sell  
3 this film as related in this memorandum?

4 A Yes, I did.

5 Q You did sell it?

6 A Correct.

7 Q To whom did you sell it?

8 A To a man in Baton Rouge who was a seaman. You  
9 see, the correction I made essentially  
10 here, if you look right toward the middle,  
11 I made two corrections on the page, "He  
12 said that he would -- " Ferrie said, "He  
13 said that he would have to get \$150.00 a  
14 roll for the film because it was pretty  
15 risky going in and out of Cuba," and that  
16 \$150.00, I don't know where that came from,  
17 and a little on further, about "Russo said  
18 he took the film and sold it to someone  
19 whom he said -- " sold it to a seaman, and,  
20 as I recall it, I sold it to a seaman.

21 Q You sold it directly to a seaman?

22 A Yes, or a guy that had been on a ship.

23 Q You sold it for \$150.00?

24 A No.

25 Q How much did you sell it for?

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA *duke* DATE 11/23/93

1 A \$40.00, \$30.00.

2 Q Did you split the money with Ferrie?

3 A No, I was in Baton Rouge at the time, this is  
4 in Baton Rouge.

5 Q Well, Ferrie was not to get any money out of  
6 the sale of this film?

7 A Well, I forgot about it after he brought it  
8 over, he never did bring the subject up  
9 again, he left the film there and forgot  
10 about it.

11 Q And Ferrie told you he had to get \$150.00 for  
12 the film because of the risk involved in  
13 getting it out of Cuba?

14 A Not that particular time, he said he could get  
15 as many as needed out of Cuba, and he said,  
16 you know, there has to be a pretty good  
17 price, but \$150.00, I don't know about that,  
18 and that is the only one he ever brought  
19 over.

20 Q He expected to be compensated for the trouble  
21 that he went to and the risk he went to in  
22 getting the film. Is that right?

23 A Well, I guess so.

24 Q And he never did get any part of the money that  
25 you sold the film for?

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA *duff* DATE *11/23/93*

1 A That was, gee, 19 -- whatever it was when he 378  
2 brought it over, I didn't sell it until '67,  
3 '68, '67.  
4 Q Did you and Ferrie or you by yourself sell any  
5 other film of this nature?  
6 A Movies?  
7 Q Yes.  
8 A No.  
9 Q How about still pictures?  
10 A Sell any still pictures?  
11 Q Yes.  
12 A Never.  
13 Q Never did?  
14 A No.  
15 MR. DYMOND:  
16 Your Honor, the next subject that I am going  
17 to get on will take a little while. I  
18 see we are right before 12:00 o'clock.  
19 THE COURT:  
20 That is a good time to stop.  
21 Would you take charge of the Jury.  
22 Gentlemen, we are going to recess in a  
23 moment for the noon lunch. Again I must  
24 admonish you and instruct you not to  
25 discuss the case amongst yourselves

or with anyone else.

379

You can take them out, Sheriff, the bus is  
ready, take charge of the Jury.

You are released under your bond, Mr. Shaw,  
the witness is excused until 1:30.

(Whereupon, a luncheon recess  
was taken.)

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA DATE 11/23/93

## AFTERNOON SESSION

380

THE COURT:

Let the record show that the Jury is  
back, Defendant is present, both  
counsel are present. Are the State  
and Defense ready to proceed?

MR. DYMOND:

Yes, sir.

MR. ALCOCK:

Yes, sir.

THE COURT:

Let it be noted that I have advised the  
witness that his previous oath is  
still binding.

BY MR. DYMOND:

Q Mr. Russo, referring again to the Sciambra  
memorandum, the bottom of page 4 --

A Bottom of what page?

Q Page 4.

A Thank you.

Q Wherein appears this statement and it is  
about six lines from the bottom, "Russo  
said that he believes that Kershenstine,  
Kenny Carter, and maybe Niles Peterson,  
and Landry would know more about the

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

381

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA DATE 11/23/93

1 roommate and be able to recognize him."  
2 Did you state that to Mr. Sciambra in  
3 Baton Rouge?  
4 A Essentially, yes.  
5 Q Now why did you believe or would you believe  
6 that these parties would know more about  
7 this roommate?  
8 A I didn't say no more than I did, they would know  
9 more about the roommate and be able to  
10 recognize him.  
11 Q Why would they know about the roommate?  
12 A What Andy said, Sciambra had asked me in Baton  
13 Rouge who I associated with and similar  
14 questions, whom I associated with, the  
15 names of the people that he might contact,  
16 things of that sort, and I told him that  
17 Kershenstine, Carter and for sure Al and  
18 Peterson.  
19 Q Did Niles Peterson ever go with you to Dave  
20 Ferrie's apartment when this roommate  
21 was there?  
22 A I think he did.  
23 Q You don't know?  
24 A I am not sure.  
25 Q What makes you think he did?

1 A I, 'cause he was around me about that period  
2 of time.

3 Q Was that the only reason you have, you have no  
4 specific recollection of his going there  
5 with you on the occasion when you saw  
6 this roommate?

7 A No, but it is possible he was with me.

8 Q That is just a possibility?

9 A Right.

10 Q And so on the preliminary hearing when you  
11 testified he definitely went inside the  
12 party with you --

13 A I testified to that after the badgering. You  
14 forced me in that position and I said the  
15 people I associated with probably were  
16 Peterson and probably Moffett.

17 Q By badgering you, you mean by asking you quite  
18 a number of times the same --

19 MR. ALCOCK:

20 I object --

21 MR. DYMOND:

22 If The Court please he used the terminol-  
23 ogy, "badgering."

24 MR. ALCOCK:

25 I am objecting to this area because we

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

1                   have been over and over this and it  
2                   is highly repetitious.

3       MR. DYMOND:

4                   If The Court please this is only the second  
5                   time this is touched on.

6       THE COURT:

7                   I can't comment on it at all but you have  
8                   covered the subject matter either  
9                   yesterday afternoon and this morning  
10                  and I see no reason to repeat it.

11       MR. DYMOND:

12                  This is the first time I have been accused  
13                  of badgering a witness.

14       MR. ALCOCK:

15                  You used the word.

16       MR. DYMOND:

17                  He used it first.

18       THE COURT:

19                  Read the question and answer.

20       THE REPORTER:

21                  Question: "And so on the preliminary  
22                  hearing when you testified he defi-  
23                  nitely went inside the party with  
24                  you --"

25                  Answer: "I testified to that after the

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA      DATE 11/23/93



badgering. You forced me in that position and I said the people I associated with probably were Peterson and probably Moffett."

MR. ALCOCK:

My objection is not badgering but repetitious. I can remember this is exactly where we ended yesterday's session where Mr. Russo was read back those portions of the preliminary hearing where he felt that Counsel had forced him to make a statement.

MR. DYMOND:

At this time I am objecting to the word "badgering". I have been accused of badgering and I want to know what it means.

THE COURT:

I think we all know what the word badgering means.

MR. DYMOND:

What does it mean?

THE COURT:

We can get the dictionary out.

(To the witness) What do you mean

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA *duh* DATE 11/23/93

by badgering?

THE WITNESS:

I attempted to answer the question he had asked on two or three prior occasions when he had asked me who was there and I had said I didn't know, what do you mean and he said what do you mean you don't know and he said, rather I said I was with a bunch of friends again without trying to say who it was and finally he said was one of those friends Peterson and I said yes it was Peterson.

BY MR. DYMOND:

Q Come on, Mr. Russo, didn't you state at the preliminary hearing "I can definitely say "Sandra Moffett was there and definitely Nils Peterson"?

A Only after those questions, the questions I pointed out to you were asked.

Q Then if somebody will ask you something enough times you will give them the answer they want?

MR. ALCOCK:

I object as that is arguing with the

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA 2/23/93 DATE 11/23/93

witness.

386

THE COURT:

That is arguing with the witness.

BY MR. DYMOND:

Q Now do you remember then at any time when

Kenny Carter went to David Ferrie's apartment with you when the roommate was there?

A Not definitely, no.

Q Do you remember at any time when Kershenstine went to the apartment with you when the roommate was there?

A Not definitely, no.

Q Do you remember at any time when Al Landry went to the apartment with you when the roommate was there?

A No.

Q So therefore there would be no material basis for that statement read to you that you gave to Mr. Sciambra?

A Except these people were people I associated with and these people were -- would probably remember so and so or such and such and might have run into one of the people. Sciambra asked me this in Baton Rouge.

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA *duf* DATE *11/23/93*

1 Q Would you tell us why you didn't give him  
2 Sandra Moffett's name whom you termed her  
3 as almost a constant companion?

4 MR. ALCOCK:

5 I object as there is no evidence that he  
6 mentioned that about Sandra Moffett,  
7 or that he mentioned that to Andrew  
8 Sciambra --

9 MR. DYMOND:

10 I will ask him that.

11 BY MR. DYMOND:

12 Q Did you mention Sandra Moffett's name as a  
13 person who would know about the roommate?

14 A During the conversation I termed Sandra Moffett  
15 as somebody who would probably know.

16 Q That would be another error in the memorandum  
17 if that wasn't included in the wording.

18 A Not essentially because this might be an omis-  
19 sion and to this point it might not be  
20 there.

21 Q What other names did you mention who might  
22 recognize the roommate?

23 A I don't recall, I might have mentioned some  
24 others but I don't recall offhand.

25 Q Did you testify that after President Kennedy

387

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

1           was assassinated you remarked to several  
2           of your friends that you recognized the  
3           guy that did it?

4   A     Yes, I said -- I said I think I know that man  
5           or knew that man.

6   Q     Still after that you had to go through the  
7           routine of putting a beard on Lee Harvey  
8           Oswald before you identified the picture?

9       MR. ALCOCK:

10           That is not the testimony in this record  
11           and Mr. Dymond knows it.

12       THE COURT:

13           I can't comment as to what is or is not.

14       MR. DYMOND:

15           I think it is the testimony.

16       MR. ALCOCK:

17           It is not Your Honor.

18       THE WITNESS:

19           I --

20       BY MR. DYMOND:

21   Q     Is it not a fact that they had to put a beard  
22           on --

23       THE COURT:

24           Rephrase your question.

25       BY MR. DYMOND:

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

389

1 Q Is it not a fact the police or Mr. Sciambra  
2 had to put a beard on the photograph of  
3 Lee Harvey Oswald before you identified it  
4 as being the roommate?

5 A In Baton Rouge I identified the photograph he  
6 pulled out, the one he had with him and  
7 except for the fact that the photograph  
8 he showed me in Baton Rouge did not have  
9 whiskers.

10 Q Then he came back to New Orleans and had the  
11 beard drawn in on another photograph  
12 before you identified it?

13 A Yes. It may have been the same photograph  
14 enlarged, I'm not sure.

15 Q As a matter of fact you had seen Leon Oswald  
16 without a beard?

17 A Only under the circumstances when he turned  
18 to the left or right, one or the other  
19 turned and I knew it was the same man.

20 Q You said you were in his presence for five  
21 minutes then?

22 A Yes, sir at the approximate most.

23 Q Did you tell Mr. Sciambra you had never been  
24 hypnotized, Mr. Russo, actually?

25 A Did I tell I had never been hypnotized?

RELEASED PER P.L. 102-886 (JFK ACT)  
NAME Smith DATE 11/23/92

390

RELEASED PER P.L. 102-826 (JFK ACT)  
NARA DATE 11/23/93

1 Q Yes.

2 A You're talking about in Baton Rouge?

3 Q That is right.

4 A I don't know if we covered the subject except  
5 what is stated here and I made a correction  
6 to that extent. On page 7 he said, "He  
7 said that he had been hypnotized like  
8 this before and it had helped him to recall  
9 and that he would be glad to do it for  
10 us," and he was talking about me and I  
11 said no, that was not right that a couple  
12 of people had tried to hypnotize me,  
13 Dave Ferrie for one and another being  
14 Irwin Moreau.

15 Q When other people tried did it make you remember  
16 things more vividly than before?

17 A I don't think they hypnotized me.

18 Q What made you remember things more vividly  
19 if you had not been hypnotized?

20 A With the Moreau and Ferrie --

21 Q Right.

22 A I don't think they hypnotized me.

23 Q I am reading to you from the first paragraph  
24 on the top of page 7, "He also said that  
25 if he were hypnotized he may have total

1 recall on names and places and dates. He 391  
2 said that he had been hypnotized like  
3 this before and it had helped him to  
4 recall and that he would be glad to do it  
5 for us."  
6 Do you deny telling Mr. Sciambra  
7 that?  
8 A I made a correction on that yesterday.  
9 Q You deny that?  
10 A I denied it yesterday.  
11 Q You deny that you suggested to Mr. Sciambra  
12 that you be hypnotized?  
13 A Do I deny what?  
14 Q That you suggested to Mr. Sciambra that you be  
15 hypnotized.  
16 A I suggested that was an avenue of approach,  
17 yes.  
18 Q Why did you say you wanted to be?  
19 A I didn't say I wanted to be.  
20 Q Why did you suggest it?  
21 A He was asking me for more names and dates and  
22 most of it was names, dates, where, the  
23 people and what conversation went on and  
24 things of that sort and I told him what I  
25 understood about hypnosis and that it

RELEASED PER P.L. 102-856 (JFK ACT)  
NARA DATE 11/23/93



392

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA DATE 11/23/93

1 induced recall and if they could get a  
2 professional in New Orleans or up there  
3 I would be glad to submit to it.

4 Q How did you know that it produced recall?

5 A I read on it and heard Ferrie talk about it.

6 Q And as a matter of fact you were subsequently  
7 hypnotized by a representative of the  
8 District Attorney's office?

9 A Right.

10 Q How many times were you hypnotized, Mr. Russo?

11 A I think three.

12 Q Three times, when was the last time?

13 A I don't recall.

14 Q You don't remember the date?

15 A No.

16 MR. DYMOND:

17 May I have that Kemp transcript, the Kemp  
18 television transcript, it is the  
19 thicker of the two transcripts.

20 BY MR. DYMOND:

21 Q Now, Mr. Russo, you have described this room-  
22 mate as being a person not very talkative  
23 and who didn't have much to say to anybody,  
24 is that correct?

25 A Right.

393

1 Q As a matter of fact you told Mr. Sciambra the  
2 roommate never talked to anybody, is that  
3 right?

4 A In Baton Rouge?

5 Q Yes.

6 A No, I don't think I told him that.

7 MR. ALCOCK:

8 Your Honor, if Mr. Dymond is going to ask  
9 this witness a question, or read  
10 portions of the interview, I would  
11 like to be given an opportunity to  
12 see that.

13 MR. DYMOND:

14 I am about to read from the Kemp trans-  
15 cript.

16 MR. ALCOCK:

17 We don't have a copy of it.

18 (Document exhibited to Counsel  
19 for the State.)

20 BY MR. DYMOND:

21 Q I am reading a question and an answer from the  
22 transcript of your television interview  
23 with Mr. Jim Kemp, transcript of which has  
24 been introduced in evidence:

25 "Did you ever talk to any of the

RELEASED PER P.L. 102-86 (JFK ACT)  
NARA *ms* DATE 11/23/93

1 associates of Ferrie other than the  
2 fellow you knew, did you meet anybody else?

3 Answer: He had a roommate on the street  
4 parallel with Louisiana Avenue and I don't  
5 know the name of the street, which one it  
6 is, it may be Louisiana Avenue Parkway,  
7 but anyway he had a roommate and I talked  
8 to him on several occasions but he was  
9 just stale as regards to politics it seemed  
10 to me. He talked about everything else."

11 Would you explain to us why in one  
12 instance you said he never talked to any-  
13 body and another you said he talked about  
14 everything else but politics?

15 A Essentially I talked about not much else than  
16 politics, that is true, that is he'd talk  
17 about everything else and wouldn't join  
18 in about politics and that was my particu-  
19 lar interest at the time.

20 Q And that is your explanation as to why you say  
21 on one instance he didn't talk to anybody  
22 and the other he talked about everything  
23 else?

24 A He talked to people.

25 Q And it was about everything else?

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

395

1 A But I didn't consider him very talkative, no.

2 Q Now, Mr. Russo, when did you first see this  
3 Sciambra memorandum?

4 A Uh, I'm not real sure of that, I know it was  
5 between, the latest was March 20 when  
6 Jim Phelan came up to Baton Rouge, but I  
7 probably seen it earlier.

8 Q You had seen it before that?

9 A Yes.

10 Q Did you ever tell Mr. Sciambra that Ferrie  
11 used hypnosis for sexual purposes?

12 A Did I?

13 Q Or that Ferrie told you that.

14 A No, Landry had told me that.

15 MR. ALCOCK:

16 Your Honor, I am objecting to this line  
17 as repetitious.

18 MR. DYMOND:

19 That particular question is answered  
20 already and it wasn't repetitious  
21 anyway.

22 MR. ALCOCK:

23 I'm quite sure it was.

24 BY MR. DYMOND:

25 Q Now, Mr. Russo, did you testify this morning

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

1           that the color of the beard and the hair  
2           on this roommate were about the same?

3   A   Well --

4   MR. ALCOCK:

5           Object, Your Honor, as it is repetitious.

6   THE COURT:

7           Let me call attention to Article 369 of  
8           the Code of Procedure which states:  
9           "In the discipline of his court, the  
10          trial judge is vested with a sound  
11          discretion to stop the prolonged,  
12          unnecessary and irrelevant examination  
13          of a witness, whether such examina-  
14          tion be Direct or Cross and even  
15          though no objection be urged by  
16          Counsel."

17          One of the footnotes states:

18          "The Judge may stop Counsel from in-  
19          definitely prolonging a cross-  
20          examination by repeatedly going over  
21          the same matter." State v. Kuntz  
22          (Spelled phonetically.) The Trial  
23          Judge may rule out the useless repe-  
24          tition of evidence, and the State's  
25          objection is covered by this matter.

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA   DATE 11/23/93

397

1 MR. DYMOND:

2 I haven't covered this particular point.

3 BY MR. DYMOND:

4 Q Did you testify this morning that the beard  
5 and the hair on this roommate were approxi-  
6 mately of the same color?

7 A No.

8 Q What was your testimony in that respect?

9 A I stated there was a difference.

10 Q Which was darker?

11 A I'm not sure.

12 MR. ALCOCK:

13 Your Honor, if this isn't repetitious,  
14 Mr. Dymond is asking him what his  
15 testimony was this morning and obviously  
16 we have gone over that and it is  
17 obviously repetitious.

18 THE COURT:

19 I agree with you if he said he testified  
20 to this this morning.

21 MR. DYMOND:

22 The last question was never testified to  
23 this morning and the last one has been  
24 answered already anyway.

25 BY MR. DYMOND:

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA *gus* DATE 11/23/93

1 Q Do you deny that you told Mr. Sciambra in Baton 398  
2 Rouge that the beard was a little darker  
3 than his hair?  
4 A I don't deny or affirm it. I'm not sure  
5 exactly what I told him in Baton Rouge  
6 about the difference except there was a  
7 difference.  
8 Q Would there be any reason for you to have known  
9 then and not now?  
10 A I have a feeling the, it was darker, rather  
11 the beard was lighter but I'm not sure  
12 right now.  
13 Q You say you have a feeling the beard was  
14 lighter?  
15 A Yes.  
16 Q What I'm asking you is whether you told  
17 Mr. Sciambra in Baton Rouge that the beard  
18 was darker?  
19 A That the beard was darker?  
20 Q That is correct.  
21 A I don't know.  
22 Q Oh, there is one other point I want to clarify  
23 and that is with respect to the clothing,  
24 and particularly the jacket, which you  
25 stated that Mr. Shaw had worn at the

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA DATE 11/23/93

1 National Street Wharf. Would you be a  
2 little more explicit in your description  
3 of that?

4 A Well, I think the jacket was some sort of  
5 striped jacket or something to that  
6 effect, I'm not real sure of the pants  
7 except they were dark.

8 Q Could you tell us what color the jacket was?

9 A No, I saw a stripe or line in it.

10 Q Could you tell us whether it was light or dark  
11 in color?

12 A No, I am not sure.

13 Q Mr. Russo, did you say that this roommate  
14 was present in David Ferrie's apartment  
15 in the month of October 1963?

16 A Did I say he was present?

17 Q Right.

18 A I am not sure exactly when -- You mean the  
19 last time I saw him?

20 Q That is correct.

21 A I'm not sure exactly when I first, I am first  
22 inclined to think October and in fact I  
23 think I testified to that fact in the  
24 preliminary hearing -- I'm not sure  
25 whether it was October or late September

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93



RELEASED PER P.L. 102-526 (JFK ACT)  
NARA *Quigley* DATE *11/23/93*

1 but my original recollection was I thought 400  
2 I saw him in September and then I thought  
3 possibly I saw him in October.

4 Q I am reading to you from page 196 and 197 of  
5 the transcript of the preliminary hearing:

6 "Question -- ' I am talking about  
7 the one at the end of September or  
8 October as you stated in the month before  
9 the Kennedy assassination.

10 "Answer I don't really recall.

11 "Question -- When would you say was  
12 the last time before the assassination  
13 that you saw Oswald?

14 "Answer -- Somewhere around the  
15 beginning of October, maybe late Septem-  
16 ber, beginning of October.

17 "Question -- The beginning of October?

18 "Answer -- Yes, sir.

19 "Question -- You are sure about that?

20 "Answer -- I am putting it in context  
21 with other things, yes."

22 Now would you tell me why on the  
23 preliminary hearing you stated that Oswald  
24 was here in Ferrie's apartment in October  
25 and you say now you cannot say?

1 A I am saying late September, early October, the 401  
2 initial recollection was that it was  
3 September. I felt a little different  
4 about it because of classes and I felt it  
5 was October when I last saw him and it  
6 was one or the other. I am inclined to  
7 say just exactly when the last time was.  
8 As I said I stated at the preliminary  
9 hearing I thought it was October or late  
10 September.  
11 Q Mr. Russo, since the preliminary hearing haven't  
12 you learned that Oswald left New Orleans  
13 never to return on September 25 and that  
14 is the reason you are not saying October  
15 now?  
16 A During the preliminary hearing you mentioned  
17 it was September 25.  
18 MR. ALCOCK:  
19 I object because it is assuming a fact  
20 not in evidence.  
21 MR. DYMOND:  
22 If The Court please, I can ask him whether  
23 something is a reason for his having  
24 changed his testimony.  
25 THE COURT:

RELEASED PER P.L. 102-826 (JFK ACT)  
NARA ms DATE 11/23/93

403

1 now that he was here in October?

2 A No.

3 Q That isn't it? Is that right?

4 A That's right.

5 Q I am reading to you from your preliminary

6 hearing testimony on page 202 of the

7 transcript: "Question -- You still say

8 it was in October that you heard this

9 second threat from Ferrie?

10 "Answer -- I heard, yes, sir.

11 "Question -- And that Oswald was

12 present, is that right?

13 "Answer -- At one of the times, yes.

14 "Question -- In October, is that

15 right?

16 "Answer -- I would say in October,

17 yes, sir."

18 MR. ALCOCK:

19 I object, Your Honor, as I think the

20 witness has already answered that

21 question.

22 MR. DYMOND:

23 It is on a different portion of the

24 testimony and I was going to ask him

25 whether his explanation to this

RELEASED PER P.L. 102-826 (JFK ACT)  
NARA DATE 11/23/93

1 discrepancy would be the same as to  
2 the previous one.

3 THE COURT:

4 I will permit it.

5 BY MR. DYMOND:

6 Q Is your explanation for this discrepancy the  
7 same as the other?

8 A If you will phrase the question.

9 Q Phrase what question?

10 THE COURT:

11 Rephrase the question.

12 THE WITNESS:

13 Rephrase it as you did before and I will  
14 answer that.

15 BY MR. DYMOND:

16 Q Do you deny having testified as I read to you  
17 from page 202 of the transcript in the  
18 preliminary hearing?

19 A Do I deny having testified to that?

20 Q Yes, that is correct.

21 A No.

22 Q And you say now you cannot say that Oswald  
23 was here in October?

24 A That is not the same question you had asked.

25 I am saying it was either late September

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA DATE 11/23/93

405

1 of early October.

2 Q What I'm asking you is why you are changing

3 your testimony?

4 A I said late September or early October.

5 Q Why are you changing your testimony now from

6 that which you gave at the preliminary

7 hearing?

8 A I don't think I am essentially.

9 Q You care for me to read it again?

10 A No, I understand exactly what you read and I

11 say the same thing now, late September or

12 early October.

13 Q Permit me -- "You still say it was in October

14 you heard this second threat from Ferrie?

15 "Answer -- I heard, yes, sir.

16 "Question -- And that Oswald was

17 present, is that right?

18 "Answer -- At one of the times, yes.

19 "Question -- In October, is that

20 right?

21 "Answer -- I would say in October,

22 yes, sir."

23 Does that say that Oswald was here

24 in October?

25 A Late September, early October, essentially the

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

same, yes.

Q What just says late September?

A What you just read said late September or early October and if that says October, I'm not arguing with you.

Q I exhibit to you page 202 of your testimony at the preliminary hearing pointing out to you where -- I'm pointing from there and ask you to read that page.

A Can I read a little bit before?

Q I read you from page 202.

A Not here, late September.

Q You did say it was in October?

A Before and after I said late September and early October which is essentially the same thing as I am saying right now.

Q Mr. Russo, were you living here in New Orleans when David Ferrie was arrested right after the assassination?

A Yes, sir.

Q Did you see it in the paper?

A The assassination or the arrest?

Q The arrest of David Ferrie.

A No.

Q Did you know he was arrested?

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA *md* DATE 11/23/93

1 A No, I didn't know it.

2 Q When did you first find out about that?

3 A Probably right around the first week I was  
4 down here in New Orleans from Baton Rouge,  
5 '67, 1967.

6 Q In other words Dave Ferrie was arrested right  
7 after the assassination and you didn't  
8 find out about it until 1967?

9 A Right.

10 Q And that is the same Dave Ferrie that was a  
11 close friend of yours and he had an open  
12 invitation to your home and you had an  
13 open invitation to his?

14 A Yes.

15 MR. ALCOCK:

16 That was a question?

17 MR. DYMOND:

18 Yes.

19 BY MR. DYMOND:

20 Q Now, Mr. Russo, you have testified previously  
21 that you do know Mr. Jim Phelan, is that  
22 correct?

23 A Right.

24 Q When was the first time that you saw  
25 Mr. Phelan?

RELEASED PER P.L. 102-826 (JFK ACT)  
NAME Smith DATE 11/23/93

1 A It was right after the preliminary hearing,  
 2 Sunday evening, I think.  
 3 Q Would March 21, 1967 at your home in Baton  
 4 Rouge refresh your memory to that?  
 5 A If that be approximately right.  
 6 Q Would it be approximately right, is that  
 7 correct? About what time of day did  
 8 Mr. Phelan come to your house?  
 9 A In the evening.  
 10 Q Is that the occasion upon which you say  
 11 Mr. Matt Helms was present?  
 12 A Yes, sir, the photographer.  
 13 Q On that occasion did you tell Mr. Phelan that  
 14 in the letter that you wrote to Garrison  
 15 you said merely, "I had occasion to meet  
 16 Ferrie and some of his friends and I am  
 17 willing to tell you what I know about them"?  
 18 A Not exactly but that is one of the things I  
 19 said.  
 20 Q Did you tell them there was more to the content  
 21 of the latter than you mentioned?  
 22 A I don't know exactly what was asked about the  
 23 letter that I wrote Garrison, and I knew  
 24 Ferrie and was willing to co-operate and  
 25 would they have somebody out of the DA's

408

RELEASED PER P.L. 102-826 (JFK ACT)  
 NAME Shuf DATE 11/23/93



409

1 office contact me.

2 Q Did you admit to Mr. Phelan that in that letter  
3 you didn't mention Shaw, Bertrand, or  
4 Oswald?

5 A I didn't know who Shaw was.

6 Q Did you admit to Mr. Phelan at that time the  
7 letter did not mention Shaw, Bertrand,  
8 Oswald or an assassination plot at  
9 Ferrie's apartment?

10 A Right.

11 Q You admitted that to Mr. Phelan?

12 A Yes.

13 Q At that time?

14 A Yes.

15 Q Did you also have a discussion on that same  
16 occasion with Mr. Phelan concerning the  
17 interview that you had given to Mr. Bill  
18 Bankston a reporter for the Baton Rouge  
19 State Times?

20 A Several things were covered and he probably  
21 mentioned that, I have a recollection he  
22 brought Bankston's name in the conversa-  
23 tion in May, not March.

24 Q At that time did you give to Mr. Phelan as an  
25 explanation for your granting of an

RELEASED PER P.L. 102-826 (JFK ACT)  
NARA 2008 DATE 11/23/93

1 interview to Bankston the fact that you 410  
2 wanted to get the whole story down with  
3 somebody?  
4 A You're emphasizing the word "whole," no.  
5 Q Forget the emphasis.  
6 A I told him I had called the Baton Rouge  
7 Detective Bureau on that Friday or sometime  
8 around 11:00 o'clock in the morning when I  
9 decided against coming to New Orleans, it  
10 wouldn't be April it'd be May and I talked  
11 to someone at the Baton Rouge Detective's  
12 Bureau and I asked them could I make a  
13 statement and they said to me when are you  
14 going to New Orleans and I said I am going  
15 again in a couple of weeks, and Mr. Phelan  
16 at that time, I had talked with a couple  
17 of friends of mine and told them a little  
18 bit and I then said I will call up the  
19 newspapers and tell them about it, and I  
20 didn't know Mr. Bankston and all I know is  
21 he answered the phone and I said to him  
22 "Will you come down" and he said we will  
23 send somebody.  
24 Q Did you tell Mr. Phelan you wanted to get the  
25 whole story down with somebody --

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA *CHL* DATE *11/23/93*

1

A I said I wanted to give a statement to somebody 411

so it would get to Garrison, I don't know

2

about the whole story.

Q Up to that time had you telephoned Garrison

and talked to him?

A The New Orleans Office I don't think, I may

have tried Friday, I'm not sure.

Q So in other words before you telephoned Garrison

you telephoned the television station?

A I telephoned the Baton Rouge Detective Bureau.

Q And also the Baton Rouge States-Times and how

about the television station?

A I didn't call the television station.

Q No. How about the Baton Rouge States-Times?

A I called them.

Q Before you talked to Garrison, is that correct?

A Yes.

Q Was it during this same visit by Mr. Phelan

that he showed to you the copy of the

Sciambra memorandum?

A He had a copy, yes, sir.

Q Did he hand that to you and show it to you and

permit you to read it?

A He did.

Q Is it your testimony you did not read that

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA DATE 11/23/93

412

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

1 complete memorandum?

2 A Not word for word, no.

3 Q At that time what did you say?

4 A Not word for word, no.

5 Q Did you thumb through it or what did you do?

6 A Just took it and looked through it quickly and

7 he had asked me before that if I would

8 look through it and see if any of the

9 contents were not correct and then on the

10 back page one part caught my eye where he

11 had circled something and had a line

12 under it and an arrow to the left or right

13 side with notes on it and when I came to

14 that I told him that was not so.

15 Q Did Mr. Phelan tell you he was in the process

16 of writing an article for the Saturday

17 Evening Post?

18 MR. ALCOCK:

19 I'm going to object to anything that

20 Mr. Phelan might have said.

21 MR. DYMOND:

22 If The Court please, Mr. Phelan is going

23 to be available to testify.

24 THE COURT:

25 You can then ask the question when he

1 takes the stand.

2 BY MR. DYMOND:

3 Q Then you deny that you made only four minor

4 corrections in the Sciambra memorandum

5 when Mr. Phelan handed it to you?

6 A Most of the time centered around other things

7 and not around the memorandum and most of

8 the time around the part that was circled,

9 the word "twice" I think on page 5 or 6.

10 Q Weren't you checking that memorandum for

11 accuracy?

12 A For accuracy, I was told to look it over and

13 see if there were any glaring mistakes,

14 some omissions, some corrections and

15 essentially a lot of stuff was correct.

16 Q Didn't you point out four inaccuracies?

17 A I may have pointed out four but the one he was

18 interested in was the one "twice."

19 Q And you say that the statement contained in

20 that memorandum to the effect that you had

21 seen this defendant only twice was circled

22 by him in pencil?

23 A I don't think pencil, I think it was ink.

24 Q It was ink?

25 A It was.

413

6

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

But you -- had you spoken to any representative of the District Attorney's Office prior to Mr. Phelan coming to Baton Rouge?

I had.

And you had been informed he was coming and informed of the purposes of his visit?

I had.

To whom had you spoke?

Well; perhaps a couple of people, I know I talked to Andrew Sciambra and another too but at that time I didn't know everybody in the office.

That is the Mr. Sciambra that wrote the memorandum?

Correct.

Is it not a fact that when you noticed the statement that you had seen this Defendant only twice you should have said that you should have said that I should have said three times?

A I should have said to him?

Q To Mr. Phelan.

A What do you mean, when he was up there and he asked me that?

Q Yes.

Q Is it not a fact that you invited the person

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Reference copy, JFK Collection: HSCA (RG 233)

1 A I said definitely it was an error twice was  
2 wrong and I should have said three  
3 times.  
4 Q Is it not a fact you admitted to him that you  
5 had told Mr. Sciambra of only seeing him  
6 twice?  
7 A That is an error.  
8 Q You deny that?  
9 A Absolutely.  
10 Q Did you receive a phone call from Mr. Phelan  
11 while he was in New York subsequent to this  
12 interview?  
13 A I received several phone calls from him, it was  
14 probably subsequent to the interview, yes  
15 it was.  
16 MR. ALCOCK:  
17 Your Honor, I am going to object to any-  
18 thing along this line unless he  
19 received a sufficient amount of phone  
20 calls to recognize the voice of  
21 Jim Phelan but somebody who identifies  
22 himself as Jim Phelan, he wouldn't  
23 know whether it was.  
24 BY MR. DYMOND:  
25 Q Is it not a fact that you invited the person

415

16

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA *Smith* DATE *11/23/93*

1 on the other end of that telephone, whom  
2 you believed to be James Phelan, to drop  
3 down and see you when he got back to New  
4 Orleans?

5 A When I was on North St. Patrick Street, you're  
6 talking about later on?

7 Q I am talking about after the March 21 visit,  
8 yes.

9 A Yes.

10 Q You did invite him to drop by?

11 A I told Matt Helms or somebody that knew him  
12 to tell him to call me and he returned my  
13 phone call and said, I said when you're in  
14 New Orleans why don't you check me out.

15 Q When Mr. Phelan got back to New Orleans in  
16 late April of 1967 as a matter of fact  
17 did you not see him on five or six visits?

18 A Not long visits, four of them were long visits  
19 and two, if I saw him two other times they  
20 were probably for a few minutes, yes.

21 Q Where were most of the visits?

22 A 619 North St. Patrick.

23 Q Do you remember on one occasion upon which  
24 Mr. Phelan took you to dinner out at  
25 Fitzgerald's?

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA *gms* DATE *11/23/93*



1 A Fitzgerald's yes.

417

2 Q Yes. Do you remember another occasion upon  
3 which you and Mr. Phelan went down to the  
4 corner poolroom and played a few games of  
5 pool?

6 A Right, yes.

7 Q On the night after you played pool with  
8 Mr. Phelan do you deny that you made this  
9 statement to him: "If Garrison knew what  
10 I told my priest in Baton Rouge after the  
11 Shaw hearing he would go through the  
12 ceiling"?

13 A No, I don't deny making that statement but it  
14 needs somewhat of an explanation in con-  
15 text. I had told quite frankly many people  
16 this, and let me give you a little backup  
17 also.. I told Phelan a great deal about  
18 colored versus, black and white, something  
19 I mentioned today as to how I felt of the  
20 period of time from February 24 wherein I  
21 got involved all the way up until the time  
22 he was there and also past that time  
23 actually. -- If you were at a basketball  
24 game or the fights you have a lot of  
25 vague memories and recollections that you

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA 448 DATE 11/23/93

have of that occasion, but from February  
24 until that time my whole association in  
this case as the accuser of the Defendant,  
or witness against the Defendant, had been  
what I called a blank grey area and I would  
rather have if I could pull myself out of  
it and I went into a long explanation of  
that to him. Now, if you will repeat just  
exactly the statement I made --

418

Q "If Garrison know what I told my priest in Baton  
Rouge after the Shaw hearing he would go  
through the ceiling."

A Essentially what I told the priest was that,  
and I'd like to be out of it, such a per-  
sonal turmoil and upheaval in my own  
personal world and that it would not be  
the same whether Mr. Shaw was found guilty  
or not, that had no bearing, that my life  
would never be the same because there were  
so many news people, some with other motives  
such as DSU and NBC that not only reported  
the news incorrectly but quite often  
attempted to make news, things of this  
sort.

Q Why did you think that would make Mr. Garrison

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

1 go through the ceiling?

2 A It seemed like they had got me in a crossfire

3 and I didn't want to name names and that

4 if I could have avoided the whole thing

5 I'd rather not remember anything.

6 Q You deny in that same conversation you went on

7 and volunteered to Mr. Phelan that you

8 told the priest that you wanted to sit

9 down alone with Shaw in a room and listen

10 to him breathe and talk to him and ask him

11 some questions so you could resolve doubts

12 about your identification of him?

13 A Pardon?

14 Q You deny having told that to Mr. Phelan?

15 A That I told that to the priest?

16 Q Right.

17 A Right, sure I probably did tell him that as

18 well as the priest but for the same reason

19 I told you this morning the 1,000 percent

20 against 100 percent -- sure it was the, the

21 man on Louisiana Avenue Parkway, although

22 if justice could be had, absolutely --

23 absolute justice, if I could be present

24 and smell and talk to him about things

25 you could jointly talk about so that I

419

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA Smith DATE 11/23/93

1           could come to an understanding of the  
2           Defendant. I told that to Phelan.  
3   Q    You say you told the priest you wanted to  
4           resolve doubts about your identification  
5           of Shaw?  
6   A    I never told him that, I told him I would like  
7           to be out of it, I would like to get my  
8           life back in order, business and my job,  
9           I had to get that back in order.  
10   Q   Now you are denying you told Phelan that you  
11           told the priest you wanted to resolve  
12           doubts about your identification?  
13   A    Wanted to resolve doubts?  
14   Q    That is right.  
15   A    Again I probably said that but in relation to  
16           what I just told you about 1000 percent  
17           versus 100 percent and I used that 100  
18           percent to -- 1000 percent versus 100 per-  
19           cent to many people I talked to.  
20   Q    Then you are not denying you told the priest  
21           you had doubts about your identification?  
22   A    Doubts is a negative and positive is -- I'd  
23           rather be more sure than just sure if that  
24           makes sense.  
25   Q    Not much, no.

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 11/23/93

1 THE COURT:

421

2 Don't pursue the area.

3 BY MR. DYMOND:

4 Q Is it not a fact that it was shortly after this  
5 conversation with Mr. Phelan that a  
6 tentative appointment was set up where  
7 you were to meet with Mr. Shaw outside the  
8 presence of attorneys?

9 MR. ALCOCK:

10 Object, Your Honor, as repetitious.

11 MR. DYMOND:

12 If The Court please there is another  
13 question following.

14 THE COURT:

15 Read the question back.

16 THE REPORTER:

17 Question: "Is it not a fact that it was  
18 shortly after this conversation with  
19 Mr. Phelan that a tentative appoint-  
20 ment was set up where you were to  
21 meet with Mr. Shaw outside the  
22 presence of attorneys?"

23 MR. ALCOCK:

24 That was gone into at length this morn-  
25 ing.

RELEASED PER P.L. 102-896 (JFK ACT)  
NARA *[Signature]* DATE 11/23/93

MR. DYMOND:

If The Court please I intend to tie it up  
and show the relevancy.

THE COURT:

Is that statement correct or not? Is that  
correct?

THE WITNESS:

You're asking me if an appointment was  
set up?

BY MR. DYMOND:

Q A tentative appointment set up.

A Not to my knowledge, it was definitely set up.

Q It was set up?

A That is the way Phelan expressed it to me, it  
was definitely set up for somewhere on  
the Mississippi Gulf Coast.

Q At whose request?

A That again I made no specific request but it  
was the kind of thing for this 1000 percent  
versus a hundred to eliminate all barriers  
between myself and the Defendant, and all  
of a sudden Phelan comes up the next day,  
or a couple of days later and said "It  
has been set up for that night or  
tomorrow," and I said "Don't take me

422

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA *gnd* DATE 11/23/93

1           serious, it's not possible and it would  
2           put me in, it would be impossible because  
3           Garrison's office knew exactly well that  
4           Phelan was talking to me about it and  
5           they were tape recording the conversations.

423

6   Q   How did they get to tape record the conversa-  
7           tions?

8   A   What?

9   Q   How did Garrison's representative get tape  
10           recordings of these conversations?

11   A   I told them he had called me and had said he  
12           will check in and they said let us know  
13           when he does come to the house because we  
14           want to find out how far he will go and  
15           they would set up bugging devices in the  
16           house.

17   Q   You had bugging devices on your phone?

18   A   No, they set up the tape recorder in the hall  
19           closet and spike mikes and --

20   Q   And every time Phelan called you you turned it  
21           on, this bugging device?

22   A   And every time he would come over also.

23   Q   And you bugged the conversations when he took  
24           you to dinner or when you were shooting  
25           pool?

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

1 A Most of the conversations we had were in the  
2 house, any lengthy conversations, although  
3 we did go down to the poolroom and  
4 Fitzgerald's Restaurant.

5 Q All these conversations in the house with  
6 Phelan were bugged?

7 A They were taped.

8 MR. DYMOND:

9 If The Court please at this time we would  
10 like to move for the production of  
11 the tapes of these telephone conver-  
12 sations.

13 MR. ALCOCK:

14 For what purposes, Your Honor?

15 MR. DYMOND:

16 I think we can find out precisely what  
17 went on these conversations.

18 MR. ALCOCK:

19 It seems to me we are dabbling in a lot  
20 of hearsay.

21 MR. DYMOND:

22 I waive our objection to any hearsay.

23 THE COURT:

24 That is going to be a very peculiar  
25 situation.

424

RELEASED PER P.L. 102-386 (JFK ACT)  
NARA *duh* DATE 11/23/93



1 MR. ALCOCK:

2 Your Honor --

3 THE COURT:

4 You waive when you wish to waive and when  
5 you don't wish to you don't waive.

6 MR. DYMOND:

7 If The Court please, we don't know what  
8 is in those recordings but we will  
9 take our chances.

10 THE COURT:

11 What is the State's position?

12 MR. ALCOCK:

13 The State just doesn't see a legal purpose  
14 for the introduction of these tapes  
15 and no real reason to offer them to  
16 The Court. Frankly I haven't heard  
17 the tapes but it seems to me we are  
18 going into a lot of hearsay. If  
19 Mr. Phelan wants to testify,  
20 Mr. Dymond stated he will be here and  
21 will testify.

22 MR. DYMOND:

23 Mr. Phelan's testimony is hearsay?

24 MR. ALCOCK:

25 The best evidence is for Mr. Russo to

425

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA *Qua* DATE *11/23/93*

1 give his half and Mr. Phelan his  
2 half and then The Court is then given  
3 the full contents of the conversation.

4 THE COURT:

5 It could be fraught with hearsay.

6 MR. DYMOND:

7 My objection is merely I think the Jury  
8 would like to hear precisely what  
9 went on.

10 THE COURT:

11 Let me read Article 493 of the Code of  
12 Civil Procedure. It is under evidence,  
13 493, "Whenever the credibility of a  
14 witness is to be impeached by proof  
15 of any statement made by him contra-  
16 dictory to his testimony, first he  
17 must be asked whether he has made  
18 such a statement and his attention  
19 must be called to the time, place,  
20 and circumstances and to the person  
21 to whom the alleged statement was  
22 made in order that the witness may  
23 have an opportunity of explaining that  
24 which is prima facie contradictory.  
25 If the witness does not distinctly

426

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA *gnd* DATE 11/23/93

1 admit making such statement, evidence 427  
2 that he did make it is admissible."

3 You are going far afield from  
4 this article because you are asking  
5 me to force the State to present to  
6 you exhibits that you don't know at  
7 this moment what they contain, fur-  
8 nish you with ammunition to show that  
9 Mr. Russo is making a contradictory  
10 statement today from what he told  
11 Mr. Phelan. In other words you are  
12 on a hunting or fishing expedition  
13 hoping that something will develop  
14 aside from the notes you have after  
15 speaking with this witness Mr. Phelan.  
16 Apparently he told you his side of  
17 the conversation and you have used  
18 part of it to impeach the credibility  
19 of the witness by proving he made  
20 contradictory statements and  
21 Mr. Alcock stated that Mr. Russo can  
22 give his side and Mr. Phelan can give  
23 his side. If on the other hand you  
24 have written before you certain ideas  
25 or thoughts or exact words Mr. Russo

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

1           said to Mr. Phelan you can use them  
2           now but I'm not going to grant your  
3           request that you can go on a hunting  
4           expedition. I sustain the objection.

5       MR. DYMOND:

6           To which ruling we respectfully object and  
7           reserve a Bill of Exception making  
8           the motion by the Defense, the State's  
9           objection to it and The Court's  
10          ruling and all the testimony up to  
11          this time parts of the bill.

12   BY MR. DYMOND:

13   Q    Is it not a fact that when you decided not to  
14           go through with this scheduled meeting that  
15           you told Mr. Phelan you didn't want to go  
16           through with it because news might leak  
17           through to Garrison?

18   A    Garrison knew exactly that it was being set up.

19   Q    I'm asking you whether you told Mr. Phelan that  
20           was your reason for not going through with  
21           it.

22   A    That may have been part of it.

23   Q    Did you tell him that?

24   A    I am not sure that is exactly the reason I  
25           gave, no.

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA   *md*   DATE 11/23/93

1 Q To your knowledge did Mr. Phelan know that his 429  
2 conversations were being tapped or taped?  
3 A No.  
4 Q How about phone calls?  
5 A No.  
6 Q Calling your attention now, Mr. Russo, to the  
7 particular evening you had dinner at  
8 Fitzgerald's, and to further refresh your  
9 memory, Steve Darby went to dinner with  
10 you at Fitzgerald's?  
11 A Yes, sir, right.  
12 Q Later on in the evening after dinner do you  
13 deny you made this statement to  
14 Mr. Phelan: "I lied to you about why I  
15 didn't want to meet with Shaw. I was  
16 afraid if I talked to him I would know he  
17 wasn't the man. What could I do then? I  
18 could go on the run to Mexico or Califor-  
19 nia and become a beatnik but I couldn't  
20 run from myself"?  
21 A I deny that.  
22 Q You deny that?  
23 A Yes.  
24 Q You deny having said that?  
25 A Right.

RELEASED PER P.L. 102-826 (JFK ACT)  
NARA *gug* DATE 11/23/93

1 Q The incident which I am about to relate occurred 430  
2 towards the end of the frequent visits made  
3 to you by Mr. Phelan. Is it not a fact  
4 that you and he had a conversation about  
5 your testimony concerning Mr. Shaw's trip  
6 to the West Coast?  
7 A That we, that Phelan and I had a conversation  
8 about his trip to the West Coast?  
9 Q Yes, about Mr. Shaw's trip.  
10 A Phelan argued with me to some extent.  
11 Q He argued with you?  
12 A Yes.  
13 Q Do you deny that in answer to his argument you  
14 said that you had picked up a lot of infor-  
15 mation from Garrison's people just from  
16 the way they asked questions?  
17 A That I picked up information from Garrison's  
18 people?  
19 Q That is correct.  
20 A I don't think that would be an accurate  
21 description of what was said.  
22 Q You are denying having said that?  
23 A Correct and I deny -- what he meant, it could  
24 have been something similar to that.  
25 Q Just what did you say?

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA *Shaw* DATE 11/23/93

1 A Phelan always prefaced things with this state-  
2 ment that District Attorney Jim Garrison,  
3 that the District Attorney had a peculiar  
4 habit of after using a person extensively  
5 that he would turn on that person and he  
6 said that once Shaw gets found innocent,  
7 once he ever gets to trial and Shaw is  
8 acquitted by the Jury there, then Garrison  
9 will turn on you and ride you and file  
10 charges so that he could get off the hook  
11 and frequently he prefaced his statements  
12 with that and if you'll get down to this  
13 particular time --

14 Q I have picked up a lot of information from  
15 Garrison's people just from the way they  
16 asked questions.

17 A We talked quite a bit, well, at different times  
18 and I don't know if this was after  
19 Fitzgerald's --

20 Q After leaving Fitzgerald's.

21 A We talked several times and quite frequently and  
22 about how much did I tell Sciambra and how  
23 much initially and how much later on and I  
24 told him essentially the things I told you,  
25 or told you that I had told him, and I told

431

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

1 him some of the things were not hard to  
2 pick up or hard to follow and I don't know  
3 if I worded that correctly or not.

4 Q Do you deny that very shortly after that you  
5 made this statement to Jim Phelan, this  
6 is on the same occasion, same business,  
7 "I am a pretty sensitive guy and besides  
8 when they got through asking me questions  
9 I asked them a lot of questions like  
10 "Why is this man important" and so on and  
11 I also read every scrap the papers printed  
12 about the case before the Shaw hearing."?

13 A Some of that is accurate and some not.

14 Q What isn't?

15 A I asked a lot of questions after the initial  
16 questioning and reading the papers. A  
17 lot of, most of the people I associate  
18 with now know I don't read the papers.  
19 mostly concerning the trial.

20 Q I am referring now to the last visit made by  
21 Mr. Phelan.

22 A Somehow or another you seem to have skipped  
23 about three at the house. You haven't  
24 covered the house yet.

25 Q The last one on May 28, 1967, do you deny that

432

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA DATE 11/23/93



1           you told Mr. Phelan these words: "I do  
2           not know the difference between reality  
3           and fantasy and I have told my roommate  
4           Steve about it and brooded about it"?

5   A    That is accurate with some explanation.

6   Q    First of all, did you tell Phelan you didn't  
7           know the difference between fantasy and  
8           reality?

9   A    You are taking that out of context.

10   Q   Go ahead.

11   A   And this, this is at the time that DSU's  
12           Rick Townley was beginning to come around  
13           and other newsmen always trying to split  
14           hairs and Jim Phelan and a few others  
15           were telling me about how Garrison was  
16           going to get me when Shaw was found  
17           innocent. I told him that it was hard  
18           to distinguish fact and fantasy and I  
19           went on a little further and I told him  
20           that with this -- from that initial  
21           barrage of newsmen, that it was hard to  
22           distinguish fact and fantasy and I went  
23           on a little further and told him it would  
24           probably help me out if I could get away  
25           from all of this, get away from it all

1 for a couple of weeks and relax and stay  
2 away from the newspapers and again he  
3 pulled that out of context.

434

4 Q Mr. Russo, if you wanted to stay away from  
5 reporters, why did you even suggest to  
6 Phelan that he come by?

7 A The District Attorney's Office was interested  
8 in how much and how far he would go.

9 Q You were just acting as an agent for the  
10 District Attorney's Office collecting  
11 information on Phelan?

12 A Initially Phelan had come up to Baton Rouge  
13 and at that time they weren't interested  
14 in how far he would go but after that I  
15 met Phelan and I didn't tell him not to  
16 come down, he seemed reasonable enough and  
17 I thought he was responsible.

18 Q You actually told him to come down?

19 A I told, I think it was Matt Helms, you have to  
20 ask him, if he saw him to tell him to call  
21 me.

22 Q It was your testimony that because you were  
23 being set upon by reporters that you didn't  
24 know the difference between fantasy and  
25 reality and still you were able to tell

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA *Sub* DATE 11/23/93

1 him to call you?

435

2 A It is sometimes hard when persons are on you  
3 to split hairs and everybody was saying  
4 I was lying and that it was Guy Bannister  
5 or James Llewellyn at Dave Ferrie's and  
6 that didn't you say this or that and it  
7 was a constant barrage and they told me  
8 not to talk to anybody but that Phelan  
9 was okayed on the 20th or 21st and it was  
10 all right to talk to him and after that,  
11 after he called me when I was in New  
12 Orleans and said he was coming over I  
13 called them and they said to stall him a  
14 little bit and we are going to go to your  
15 place and we will tape the conversation.

16 Q Were you stalling him a little bit?

17 A I was stalling him the first day.

18 Q Did you further tell Phelan on this same occa-  
19 sion, "Everything you have commented on  
20 about my testimony has been bouncing inside  
21 my head and I am much more critical of  
22 myself than you are"?

23 A That was a leading statement I told them, yes,  
24 sir.

25 Q What was?

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

1 A If that, every day that he was over the night  
2 before someone from the District Attorney's  
3 Office would come over and pick up the  
4 tape and that statement was to make him  
5 think he was starting to get somewhere in  
6 breaking me down and my testimony and to  
7 get at Garrison and that was supposed to  
8 be when it was done under sodium pentathol  
9 or hypnosis and that was the statement that  
10 some makes sense and some doesn't.

11 Q It is your testimony that you were just baiting  
12 Phelan along?

13 A Not baiting, no. They were interested in how  
14 far he'd go and I was interested in that  
15 too.

16 Q Did you also tell him at that time that if you  
17 changed your story on the positive identi-  
18 fication of Shaw, or even eased up on it,  
19 that Garrison would clobber you?

20 A He said this, I want to preface just a little  
21 bit of that --

22 Q Just answer yes or no and then you can explain.

23 A Not exactly, no.

24 Q All right, you can explain.

25 A He said this, if you will, first of all he

436

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA *duch* DATE *11/23/93*

1           tried to ask me and would say I understand 437  
2           it is possible you have been led under  
3           drugs and hypnosis and he showed me the  
4           papers of big people, certain doctors who  
5           would testify for the Defense against the  
6           State's case, and those names were just  
7           halfway scratched out and he said they  
8           were highly reputable and educated people  
9           and so on and he played it that way -- that  
10          didn't throw me at all and then he changed  
11          his tactics and said if you were to say  
12          it was possible, one step removed, if you  
13          were to say it is possible then you come  
14          to me in New York, talk to a lawyer, just  
15          talk to a lawyer and I will cover your  
16          expenses coming to New York and then of  
17          course we would have to deny it from there.  
18          I said if I did, if I did do anything  
19          like that Garrison would clobber me over  
20          the head. That way, yes.

21       Q     You didn't say it the way I read it to you,  
22              right?

23       A     No.

24             ... At the hour of 2:45 o'clock p.m. the  
25             Court recessed until 3:10 o'clock p.m. ...

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

1 THE COURT:

438

2 I would like to make one announcement  
3 before pulling the Jury down, that  
4 it has been brought to my attention  
5 that one of the news media people  
6 have seen fit to violate my guidelines.  
7 When Mr. Russo, before he came back  
8 to take the stand he approached him  
9 and made some comment about his  
10 testimony. I am not going to do  
11 anything about it at this moment but  
12 if it comes to my attention again  
13 that my guidelines have been violated  
14 I am going to have that reporter's  
15 credentials, his admission credentials  
16 taken up so he cannot enter this  
17 courtroom. I hope it will not  
18 happen again.

19 All right, is the State and  
20 Defense ready to proceed?

21 MR. DYMOND:

22 Yes.

23 MR. ALCOCK:

24 Yes.

25 BY MR. DYMOND:

RELEASED PER P.L. 102-826 (JFK ACT)  
NARA DATE 11/23/93

1 Q Mr. Russo, do you recall having had an inter-  
2 view with Mr. George Lardner, a reporter  
3 for the Washington Post?  
4 A Yes, sir.  
5 Q More particularly on or about June 20, 1967?  
6 A I am not real sure, there were so many of them.  
7 Q An interview of which we have information that  
8 it took place, it was in June in New  
9 Orleans at your home?  
10 A Yes, on North St. Patrick.  
11 Q Would you tell me whether the interview with  
12 Mr. Lardner was taped?  
13 A The taping machine was still there and I'm not  
14 sure whether it was taped or not. I am  
15 under the impression it was but I'm not  
16 real sure of that.  
17 Q You say you think it was taped?  
18 A I think, I'm not sure of that.  
19 Q How often did you deliver tapes to the District  
20 Attorney's Office?  
21 A Most of the time someone would come pick them  
22 up whenever I got a full tape.  
23 Q How frequently did that come about?  
24 A I was in touch with someone every day.  
25 Q Who usually?

439

RELEASED PER P.L. 102-586 (JFK ACT)  
NANA SNL DATE 11/23/93

1 A Sal Scaccia, Andrew Sciambra, I can't think of 440  
2 some of the other people.  
3 Q Who did you usually get in touch with at the  
4 District Attorney's office?  
5 A Either Scaccia or Sciambra.  
6 Q I am referring to the interview with Mr. Lardner,  
7 you do recollect that interview?  
8 A Right.  
9 Q Do you deny that during the course of this  
10 interview that you told Mr. Lardner that  
11 you were willing to disclose weaknesses  
12 in your testimony for a price?  
13 A I absolutely deny that.  
14 Q You deny that flatly?  
15 A Absolutely.  
16 Q You deny making this statement to Mr. Lardner:  
17 "I am looking for guarantees, I am inter-  
18 ested in me, my job and me"?  
19 A I didn't use looking for guarantees, I said I  
20 was looking for the job but it was in  
21 jeopardy.  
22 Q But you deny making the statement I just read  
23 to you?  
24 A In essence, yes, but I was interested in my job.  
25 In essence that statement is incorrect.

RELEASED PER P.L. 102-826 (JFK ACT)  
NARA Smith DATE 11/23/93



1 Q I'm not talking about in essence but whether  
2 you deny making the statement "I am look-  
3 ing for guarantees, I am interested in me,  
4 my position and me."?  
5 A Part of it is right and part of it is incorrect.  
6 Q In other words you deny having made that entire  
7 statement?  
8 A I deny having made the entire statement, yes.  
9 Q Do you deny making the statement to Mr. Lardner  
10 on this occasion that there were certain  
11 weaknesses or holes surrounding your  
12 testimony?  
13 A I'm not sure if I said that to Mr. Lardner or  
14 Phelan at that time because Phelan was  
15 before that a little bit. At that -- no,  
16 I didn't say that, no, not to Mr. Lardner.  
17 Q You did not say that to Mr. Lardner?  
18 A No.  
19 Q Did you ever say that to anybody?  
20 A No, I discussed the approach to the cross-  
21 examining of me and what I would think  
22 would be weaknesses in my testimony.  
23 Q What reporter, with what reporter did you  
24 discuss that?  
25 A I think in general I may have mentioned it, but

441

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 11/23/93

not that particular phraseology, but I  
may have mentioned that to some degree  
with Mr. Lardner.

442

Q Did you make this statement, "Garrison doesn't  
know what they are. I know what they  
are"?

A That is absolutely incorrect. The District  
Attorney's Office does know.

Q Did you tell Mr. Lardner that you had no inten-  
tion of disclosing the weaknesses to any  
newsmen without getting something in return  
and you were dissatisfied with the  
\$3,000.00 Garrison's office gave you for  
expenses?

A Mr. Lardner asked me about rumors --

Q Do you deny making that statement?

A Absolutely.

Q Now you can explain.

A Mr. Lardner said he had heard rumors of a  
great deal of money and he didn't know  
them from fact and he had heard a rumor  
about my being paid \$5,000.00, I don't  
remember 3,000.00, he said about \$5,000.00  
before and \$5,000.00 after and another  
was heard about \$25,000.00.

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA *Qua* DATE *11/23/93*

1 Q You deny having said this to Mr. Lardner at  
2 the end of the interview, "If you say  
3 anything about this I am going to have to  
4 call you a liar"?  
5 A If I say anything about this to Lardner?  
6 Q I asked you whether you made this statement to  
7 Mr. Lardner, "If you say anything about  
8 this I'm going to have to call you a  
9 liar"?  
10 A That is wrong.  
11 Q You deny having said that?  
12 A Yes.  
13 Q Were you trying to gather any material on  
14 Mr. Lardner for the District Attorney, the  
15 District Attorney's office?  
16 A If Lardner's interview was in June, the District  
17 Attorney's Office instructed me they prefer  
18 I tape all conversations with newsmen and  
19 I was playing along their lines to see  
20 how far these people would go.  
21 Q Did you tell Mr. Lardner you were taping them?  
22 A No, -- did I tell him I was taping him -- I'm  
23 not sure.  
24 Q Did you tell Mr. Phelan?  
25 A Absolutely not.

443

RELEASED PER P.L. 102-636 (JFK ACT)  
NARA *Shuf* DATE 11/23/93

1 Q Now, did you have any reason to gather infor-  
2 mation for the District Attorney's Office  
3 or to be taping your conversation with  
4 Sergeant Edward O'Donnell of the New  
5 Orleans Police Department?  
6 A No, sir, I saw Mr. O'Donnell at his office.  
7 Q You weren't gathering information against him  
8 for the District Attorney's Office?  
9 A No.  
10 Q Were you taping his conversation?  
11 A No.  
12 Q Is it not a fact that in mid-June 1967  
13 arrangements were made for Mr. O'Donnell  
14 to administer a polygraph or lie detector  
15 test to you?  
16 A Well --  
17 MR. ALCOCK:  
18 I object. Mr. Dymond knows better than  
19 to refer to that.  
20 MR. DYMOND:  
21 If The Court please I have no intention  
22 of trying to get in evidence any  
23 product or result of a polygraph  
24 test because I know that is inadmis-  
25 sible. The only purpose is to

444

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA *dueda* DATE *11/23/93*

1 identify the occasion to which I am  
2 going to refer to in this question.

3 THE COURT:

4 It was obvious that was his intention  
5 because I know Mr. Dymond knows full  
6 well, and he mentioned that he knows  
7 full well.

8 MR. ALCOCK:

9 That is not a proper reference to a lie  
10 detector test or the results 'cause  
11 he knows they are not admissible in  
12 any court throughout the United States  
13 and for this reason he could have  
14 called the witness' attention to this  
15 by some other means, because the only  
16 reason is the affect this would have  
17 on the Jury.

18 THE COURT:

19 I don't know what affect it's supposed to  
20 have. You are trying to set up a  
21 time, place and circumstance?

22 MR. DYMOND:

23 That is correct.

24 THE COURT:

25 As to when it occurred?

1 MR. DYMOND:

2 Yes.

3 THE COURT:

4 All right, but don't refer to it again.

5 BY MR. DYMOND:

6 Q Is that not a fact, Mr. Russo?

7 A Yes, sir, I am not sure of the date.

8 Q Is it not also a fact that you expressed a  
9 desire to meet with Sergeant O'Donnell  
10 beforehand?

11 A To the District Attorney's Office?

12 Q Yes.

13 A Right.

14 Q Is it not also a fact that such a meeting was  
15 arranged between you and Sergeant  
16 O'Donnell?

17 A In other words just to talk to the man?

18 Q Correct.

19 A Yes.

20 Q And you had this meeting with Sergeant O'Donnell  
21 and it lasted for approximately one hour,  
22 is that correct?

23 A About that.

24 Q And this is -- was on or about June 16, 1967,  
25 would you agree with that?

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA *duff* DATE 11/23/93

1 A Approximately.

447

2 Q Is it not a fact that on Monday, June 19, 1967  
3 you again went to Sergeant O'Donnell with  
4 keeping with the original plan or arrange-  
5 ment that had been made?

6 A A few days later. I would accept your dates  
7 on that.

8 Q Is it not also a fact that Sergeant O'Donnell  
9 conducted an interview with you from  
10 approximately 1:45 to 3:45 that afternoon?

11 A I didn't think it was that long but I would say  
12 it was about one hour or one hour and a  
13 half.

14 Q Now, Mr. Russo, I am not asking you any ques-  
15 tions about what transpired during any  
16 alleged tests, but I am talking about the  
17 latter part now of your visit with  
18 Sergeant O'Donnell on this same day. Have  
19 I made that clear?

20 A All right.

21 Q Is it not a fact that you stated to  
22 Sergeant O'Donnell in the course of this  
23 interview that you were under a great deal  
24 of pressure and you wish you had never  
25 gotten involved in this mess?

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA *Quill* DATE 11/23/93

1 A That is correct.

2 Q That is correct?

3 A And I went into great lengths to talk about the  
4 pressures.

5 Q Is it not a fact that in response to a question  
6 by Sergeant O'Donnell as to whether Clay  
7 Shaw was at the party which you have  
8 described, you replied "Do you want to know  
9 the truth?" and when he said "Yes," you  
10 said "I don't know if he was there or  
11 not"?

12 A Uh, with some explanation the statement is  
13 accurate.

14 Q Did you say that?

15 A With some explanation, yes.

16 Q All right.

17 A We had talked about the pressures and in  
18 essence I remember telling him about  
19 Phelan and some of the other people around.  
20 I think Sheridan had been around by the  
21 time I saw O'Donnell and I went through a  
22 great explanation about this, and at that  
23 particular time in June, whatever it was,  
24 that it was hard to distinguish, I said  
25 all these people are pressing me and saying

RELEASED PER P.L. 102-696 (JFK ACT)  
NARA Shaw DATE 11/23/93



1 I am wrong and inaccurate and other things, 449  
2 that it was hard to tell whether he was  
3 there or not.  
4 Q You did tell him you didn't know whether  
5 Mr. Shaw was there or not?  
6 A After explaining the pressures, yes.  
7 Q Is it not also a fact that you stated to him  
8 that if you had to give a yes or no  
9 answer as to whether Mr. Shaw was at the  
10 party you would have to say no?  
11 A Again with the same explanation that I have  
12 given you.  
13 Q First of all did you say that?  
14 A Probably, maybe not those exact words you are  
15 quoting there but in essence the same  
16 thing. In line with, in line with what I  
17 said essentially about the pressures,  
18 this was at the time of Sheridan and  
19 Townley and right at the end of Phelan,  
20 of the Phelan thing, there wasn't much  
21 they didn't do to muddy my testimony and  
22 accordingly I told him that.  
23 Q Is it not a fact that when he asked you why  
24 you had come to court and positively  
25 identified Shaw at the preliminary hearing

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

1           that you stated that it was because Dymond,  
2           meaning me, turned you on, as you put it,  
3           by asking you whether you believed in God?

4   A     I told him something along that line.

5   Q     Did you tell him that?

6   A     Yes. I said, and I might paraphrase it and it  
7           might be a lot quicker, and I said you had  
8           gone for the juggler vein and that I didn't  
9           care to discuss that, and you asked me sev-  
10          eral questions I thought were out of line  
11          or out of bounds and you went into the  
12          examination of that area. The acutal  
13          question of splitting hairs, you never  
14          did split hairs, the argument was re truth  
15          versus untruthfullness, whatever you care  
16          to call it. At that time when I talked to him  
17          I told him essentially something along  
18          those lines.

19   Q     Is it not a fact that when he asked you whether  
20          the conversations that you heard at Dave  
21          Ferrie's apartment sounded like a legitimate  
22          plot to assassinate President Kennedy, you  
23          stated "no it did not"?

24   A     I stated - - - you wanted me to answer that  
25          question?

RELEASED PER P.L. 102-386 (JFK ACT)  
NARA   DATE 11/23/93

1 Q Yes.

2 A Can I have it repeated?

3 Q Yes. Is it not a fact that when Sergeant  
4 O'Donnell of the New Orleans Police Depart-  
5 ment asked you whether the conversation you  
6 ...that you had heard at Dave Ferrie's  
7 apartment sounded like a legitimate plot  
8 to assassinate President Kennedy you  
9 stated, "No, it did not."

10 A Yes, with an explanation of this sort. We  
11 discussed at great length, for a great  
12 length of time about Dave Ferrie himself  
13 and his leaning towards the sensationism  
14 and toward the spectacular and we were  
15 splitting hairs about that, did or didn't  
16 I and said maybe, maybe not, and could it  
17 have been serious, and that Dave Ferrie  
18 would pick up on some things and I  
19 said probably it wasn't a serious thing.

20 Q Is it not a fact in, rather on that same occasion  
21 you volunteered the statement that it appear-  
22 ed to you to be another bull session like  
23 they were always having?

24 A The word "bull session"?

25 Q Right.

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA *Quill* DATE 11/23/93

1 A I used the word "shooting the bull". I don't  
2 use the word "bull session" that much.  
3 Q Then you deny you said that?  
4 A In essence it is correct. I am not sure of that  
5 terminology. Again the same explanation  
6 you really didn't know Ferrie -- I had asked  
7 O'Donnell if he knew Ferrie and you  
8 couldn't really know Ferrie, and did he  
9 know Ferrie, his fantastic appearance,  
10 he had little hair and was bald with a  
11 spotted scalp and at one time was a pretty  
12 good pilot people said and again some of  
13 the things he claimed he had done he backed  
14 up and some, some he didn't.  
15 Q Am I to understand that your statement you just  
16 made as an admission you did say it  
17 sounded like another bull session like  
18 they always had?  
19 A Not always had. The same thing I explained to  
20 you, this is essentially what was said and  
21 essentially what was said and Ferrie was,  
22 I don't know how to explain the type of  
23 human being he was.  
24 Q You would deny making the statement this  
25 appeared to you, it appeared to be a bull

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA *Quack* DATE 11/23/93

1 session to you?

2 A That is acceptable.

3 Q That is acceptable and that is what you said?

4 A Not the exact words. It is acceptable.

5 Q I am using it as a quote.

6 A No, I don't know if I used those words, no.

7 Q Is it not a fact when you were asked to de-

8 scribe the conversation you heard at

9 Dave Ferrie's apartment that you stated

10 that this was very vague in your mind and

11 you could not at this time say what who

12 was saying?

13 A In June 1967, is that right?

14 Q That is correct.

15 A That at this time I could not say who was

16 saying what?

17 Q You admit saying that?

18 A With the explanation, with the pressures of

19 Rick Townley and Phalen and the rest of

20 them, yes, sir.

21 Q Do you deny that at this same meeting with

22 Sergeant O'Donnell with the New Orleans

23 Police Department you expressed to him a

24 desire to meet Clay Shaw?

25 A I told him about the thing I discussed with

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA *mda* DATE 11/23/93

Phelan about it. You quote me what he says and I will answer.

Q I don't have a quote but did you tell him you wanted to meet Shaw?

A I told him about Phelan, the Phelan thing and what actually transpired with Phelan.

Q Then you would deny you told him you wanted to meet with Clay Shaw?

A Again the 1000 percent versus the 100 percent. I don't think I could deny that and I told that to Phelan that that would be the best thing possible if I could.

Q You were not -- You were trying to bait Phelan though?

A Not initially.

Q Not initially?

A When I met him on March 21 he just came up and I was told by the District Attorney's Office he was okay.

Q You had no reason to bait or get Sergeant O'Donnell?

A Not Sergeant O'Donnell, no.

Q Was it not a fact that when Sergeant O'Donnell asked you why you wanted to meet with Clay Shaw you told him you would like to

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA *duff* DATE 11/23/93

455

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA Shaw DATE 11/23/93

1 talk with Clay Shaw to size him up to  
2 determine whether he was the kind of  
3 person that would take part in such a  
4 plot.  
5 A Essentially yes, sir. I was making a judgment  
6 play, not judge or jury and if that were  
7 possible that it would be a good thing but  
8 it is not possible and that's the same  
9 thing I told Phelan.  
10 Q It was not possible to meet with Shaw?  
11 A Not possible because there would be a 10 foot  
12 barrier of concrete between us. What  
13 could we discuss except the assassination?  
14 Q Is it not also a fact that you told Sergeant  
15 O'Donnell you would like to know  
16 Mr. Garrison's complete case against  
17 Clay Shaw?  
18 A I am not sure and I may have said that.  
19 Q Would you deny saying that?  
20 A No, I don't deny it.  
21 Q Would you admit it?  
22 A If I don't remember that part I don't admit  
23 it either.  
24 Q You don't admit it?  
25 A I don't either deny or admit it but I have said

that to some people.

456

Q Would you deny that Sergeant O'Donnell asked you why you wanted to know this and you stated it would help you come to a decision?

A Would you read me his quote on that, his statement on that?

Q Do you deny that when Sergeant O'Donnell asked you why you wanted to know Garrison's complete case against Shaw you said it would help you to come to a decision?

A I am not sure exactly at that point how far we discussed that. I do remember making remarks to him or him to me concerning Shaw and I stated that I would like to know the case against Shaw from a curious view and at that time I was under a lot of pressure about people splitting hairs, everybody that had said that I was wrong and I'd better straighten up and that Garrison was going to turn around and grab me --

Q I still don't know whether you told him you wanted to know the rest of the case.

A Yes, I did probably say it but I'm not real

RELEASED PER P.L. 102-826 (JFK ACT)  
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sure.

457

Q You would not admit it then?

A Not admitting or denying it either.

Q Now, Mr. Russo, the date on which you came  
down here from Baton Rouge, was that the  
27th of February?

A That was a Monday, the 27th.

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RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

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noon  
on)

1 Q Were you hypnotized after you came down here  
2 from Baton Rouge?  
3 A Well, not that day, not that I remember that  
4 day, no.  
5 Q You say not that you remember that day?  
6 A In other words, I don't think it was that  
7 day, no, but I was hypnotized after I  
8 came to New Orleans.  
9 Q Do you remember when was the first time that  
10 you were hypnotized after you came to  
11 New Orleans?  
12 A No. It wasn't but a few days later.  
13 Q Would the date March 1, 1967 refresh your  
14 recollection on it?  
15 A As the first time?  
16 Q Right.  
17 A I thought it would have been earlier than  
18 that, but perhaps it was.  
19 Q By whom were you hypnotized?  
20 A Dr. Esmond Fatter.  
21 Q For whom was Dr. Fatter working and hypnotizing  
22 you?  
23 A Well, I guess the -- well, I don't know, I  
24 just supposed it was the District Attor-  
25 ney's Office.

RELEASED PER P.L. 102-826 (JFK ACT)  
NARA DATE 11/23/93

1 Q Well, were not the arrangements made with  
2 you through the District Attorney's  
3 Office?  
4 A Yes. I supposed they worked for him (sic).  
5 Q Where did this hypnotic session take place?  
6 A Mr. Ward's office, Dr. Chetta's office.  
7 Q I am talking about the first one.  
8 A I think it was Dr. Chetta's office.  
9 Q In Dr. Chetta's office?  
10 A The Coroner's office.  
11 Q Who was present?  
12 A Sciambra was, I think Al Oser was, there was  
13 a stenographer, Dr. Fatter, Dr. Chetta,  
14 a couple of others -- a couple of others.  
15 Q What was that?  
16 A A few other people.  
17 Q You say a stenographer was present during  
18 that hypnotic session?  
19 A I am almost sure there was a stenographer  
20 there.  
21 Q Do you know whether a transcript was made at  
22 that session?  
23 A I have seen a transcript of it purporting to  
24 be that.  
25 Q Who represented the document that you saw to

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

1 be a transcript of the session?

2 A Well, I can't really say, it was just -- I  
3 had gotten it from either somebody in  
4 the DA's Office or one of the newsmen  
5 gave it to me.

6 Q Would you recognize a transcript of that  
7 session if I showed it to you?

8 A Would I recognize it as a copy of the copy  
9 that I had?

10 Q Right.

11 A I could -- oh, I could probably take a guess  
12 at it, I am not sure exactly word for  
13 word. No, I couldn't do that.

14 (Document produced by Mr. Alcock  
15 and handed to Mr. Dymond.)

16 BY MR. DYMOND:

17 Q (Exhibiting document to witness) Mr. Russo,  
18 I show you what purports to be a copy  
19 of a transcript of the first hypnotic  
20 session of 3/1/67, having marked it for  
21 identification "D-12," and I ask you to  
22 review that and tell me whether you  
23 recognize it.

24 A Well, I have seen something similar to this.  
25 I am not sure it is exactly the same, no.

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA *md* DATE 11/23/93

1 (Whereupon, the document referred  
2 to by Counsel was duly marked for  
3 identification as "Exhibit D-12.")

4 THE COURT:

5 Gentlemen, will you two step up here a  
6 moment.

7 (Messrs. Alcock and Dymond stepped  
8 forward for a bench conference  
9 off the record.)

10 BY MR. DYMOND:

11 Q Mr. Russo, did you get a copy of the trans-  
12 cript of that hypnotic session?

13 A At one time I had a copy, yes, sir.

14 Q By whom was it given to you?

15 A I think it was the District Attorney's Office,  
16 although I have seen some of the newsmen  
17 have a copy, or part of it, anyway.

18 Q Do you still have that copy?

19 A Oh, no, I don't think so; I have some papers  
20 but I don't think it was that.

21 Q Now, during this hypnotic session were you in  
22 such a deep trance as to be unable at this  
23 time to tell us whether these are the  
24 questions propounded and the answers  
25 given during that session?

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA DATE 11/23/93

1 A Well, the transcript that I saw, you see --  
2 I am put in a peculiar position -- from  
3 the memory of what the questions were  
4 and the answers I gave, no, but having  
5 seen a transcript I will probably re-  
6 member some of the stuff.

7 Q From the copy which you say was given to you  
8 by a member of the District Attorney's  
9 Office, that is, from having read that  
10 copy, would you be able to identify this  
11 copy which I have exhibited to you, as  
12 a proper copy?

13 A As a proper copy, it looks all right. I  
14 couldn't word for word, no. I mean it is  
15 a proper copy, looks all right.

16 MR. DYMOND:

17 If the Court please, in connection with  
18 the witness's testimony I would like  
19 to offer, file and produce in evi-  
20 dence this copy of the transcript  
21 of the first hypnotic session.

22 MR. ALCOCK:

23 Your Honor, to which offer the State  
24 objects on the grounds that it is  
25 not in any manner, shape or form

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 11/23/93

1 properly identified at this time.  
2 This man testified that he was  
3 probably in too deep a trance at the  
4 time to recall the questions pro-  
5 pounded to him or his answers. This  
6 might be introduceable later on, and  
7 I can assure Mr. Dymond that Dr.  
8 Fatter will be a witness. Perhaps  
9 at that time it might be admissible,  
10 but not at this time.

11 MR. DYMOND:

12 If the Court please, we would have no ob-  
13 jection to Mr. Alcock examining  
14 this document to determine its  
15 authenticity.

16 MR. ALCOCK:

17 Mr. Alcock wasn't present.

18 MR. DYMOND:

19 Well, you undoubtedly have a copy of the  
20 transcript.

21 MR. ALCOCK:

22 That doesn't make any difference.

23 THE COURT:

24 Let me say there is no question the pri-  
25 mary purpose of the offer, Mr.

RELEASED PER P.L. 102-986 (JFK ACT)  
NARA *Shuf* DATE 11/23/93

1 Dymond, is to show to the witness  
2 proof of a contradictory statement  
3 made at another time. Now his  
4 attention has been called to the  
5 time, place and circumstance.

6 MR. DYMOND:

7 If the Court please, may I point out --

8 THE COURT:

9 The question is was he compos mentis.

10 MR. DYMOND:

11 That isn't the purpose of this offer at  
12 all, Your Honor, and I would not  
13 feel free to state the purpose of  
14 it in the presence of the Jury.

15 THE COURT:

16 The witness stated he was under hypnosis  
17 at the time. He cannot state whether  
18 he would remember making that state-  
19 ment or not. Isn't that what he  
20 stated a moment ago?

21 MR. DYMOND:

22 That is correct. If the Court please,  
23 as I understand it, the Court's ob-  
24 jection to the admissibility of this  
25 is that it has not been identified

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA *duff* DATE *11/23/93*



1 as a true copy of the transcript?

2 THE COURT:

3 Well, I went further than the State went,

4 I went further and said that the

5 man is not in a position to be able

6 to say whether he made those state-

7 ments or not if he was under hyp-

8 nosis.

9 MR. DYMOND:

10 I understand that completely, Your Honor,

11 and, as I say, I can answer the

12 Court's objection but I don't think

13 I should do it in the Jury's

14 presence. However, with respect to

15 the objection that this is not

16 proven to be a true copy, I think

17 that that objection can be answered.

18 THE COURT:

19 I think so, too.

20 MR. DYMOND:

21 -- by my furnishing to the State for the

22 State's perusal, and if they are

23 satisfied it is a true copy, there

24 should be no objection on that basis.

25 THE COURT:

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA *me* DATE 11/23/93

1 We can do it on an easier basis than  
2 that. We can have the stenographer  
3 from the District Attorney's Office  
4 who took it, to certify it correct.  
5 That would be one way, but I am  
6 interested in the basis --

7 MR. ALCOCK:

8 Your Honor, perhaps to clarify this we  
9 should excuse the Jury and find out  
10 why he is trying to introduce it.

11 MR. DYMOND:

12 I will be happy to do that.

13 THE COURT:

14 Very well, we will excuse the Jury.  
15 (Whereupon, the Jury retired  
16 from the courtroom.)

17 MR. DYMOND:

18 If the Court please, Your Honor, before --

19 MR. ALCOCK:

20 Your Honor, before Mr. Dymond begins I  
21 would like the Sheriff to stand back  
22 there by the door and see if he can  
23 hear this, stand with the Jury and  
24 see if he can hear this and let us  
25 know.

RELEASED PER P.L. 102-626 (JFK ACT)  
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THE COURT:

Off the record.

(Discussion off the record.)

THE COURT:

You may proceed.

MR. DYMOND:

If the Court please, the purpose of our offering this transcript in evidence is not as a prior contradictory statement, our purpose in putting it in evidence is to have it as an exhibit to lay the foundation for further expert testimony. We have exhibited these transcripts to a competent psychiatrist and hypnotist of national repute, and we intend to show by his testimony that the type of suggestive questions put to Russo while under a hypnotic trance, medically would have the effect of completely destroying his credibility as a witness, his value as a witness, and would have the effect of implanting in his mind what the questioner wanted him to testify to

1 and what was suggested to him by  
2 the questioning. The only way that  
3 we can do that is to get these  
4 transcripts in evidence.

5 THE COURT:

6 I will hear from you, Mr. Alcock.

7 MR. ALCOCK:

8 Your Honor, the State's position on  
9 that would be this: I don't think  
10 Dr. Fatter is on trial nor are we  
11 attempting to impeach Dr. Fatter.  
12 What would that have to do with  
13 this particular witness? That is  
14 what I don't understand. Why  
15 should they get it in while this  
16 witness is testifying? If they want  
17 to bring this up to Dr. Fatter, fine,  
8 let them bring it up to Dr. Fatter  
9 -- Dr. Fatter is going to take the  
0 witness stand -- but this is no  
time to present this document to  
this witness.

MR. DYMOND:

If the Court please, as to what purpose  
and what connection there is between

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA *Shuf* DATE 11/23/92

1 this document and this witness, this  
2 document together with the expert  
3 testimony which we will furnish  
4 will show the source of this wit-  
5 ness's testimony, and for that rea-  
6 son I think that it is very rele-  
7 vant, at a time when this witness  
8 is testifying, to offer it, and,  
9 frankly, I don't think it makes a  
10 great deal of difference whether it  
11 is offered today, tomorrow, or the  
12 next day.

13 MR. ALCOCK:

14 The source of this witness's testimony --  
15 this witness has already testified  
16 that essentially what he has told  
17 this Jury is what he told Sciambra  
18 on February 25, 1967. We are talk-  
19 ing about March 1 now.

20 MR. DYMOND:

21 Of course, Your Honor, we are prepared  
22 to show differently on that.

23 THE COURT:

24 To bring it to a head, I suggest you  
25 mark it "D-12" for identification

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA Quetz DATE 11/23/93

1 purposes only, and I will not per-  
2 mit the document to be filed at  
3 this time, but you can use it when  
4 Dr. Fatter takes the stand and maybe  
5 reoffer it so it will be in evidence  
6 when your psychiatrist takes the  
7 stand.

8 MR. DYMOND:

9 Mr. Alcock, may I ask whether Dr. Fatter  
10 is going to be placed on the stand?

11 MR. ALCOCK:

12 Yes.

13 MR. DYMOND:

14 As long as we know Dr. Fatter is going  
15 to be placed on the stand, we don't  
16 mind waiting, it doesn't matter when  
17 it is offered, we want it in evi-  
18 dence.

19 THE COURT:

20 Mark it "D-12" for identification pur-  
21 poses only, and bring the Jury in.

22 (Whereupon, the document referred  
23 to by the Court was duly marked  
24 by the Clerk as "Exhibit D-12-  
25 For Identification Only," and the

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA *dueda* DATE *11/23/93*

1                   Jury was recalled.)

2       BY MR. DYMOND:

3       Q       Now, Mr. Russo, I ask you whether again on

4               March 12, 1967 you were subjected to

5               hypnosis.

6       A       I am not sure of the date, but I was subjected

7               again, right, a couple of days later.

8       Q       Would you say that March 12 would be a likely

9               date or a close date?

10      A       Well, it was before the preliminary hearings,

11              you know; I am not sure of the date

12              though, no.

13      Q       Now, where did this hypnotic session take

14              place?

15      A       Well, I am not sure which one you are referring

16              to. One was in --

17      Q       The second one.

18      A       One was in Mr. Ward's office, and I think two

19              were in Dr. Chetta's office.

20      Q       Now, where did you say the first one was, Mr.

21              Russo?

22      A       In Dr. Chetta's office.

23      Q       And where would the second one have been?

24      A       I am not sure on the chronology of it. I

25              think the second one may have been in

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA *SHS* DATE 11/23/93

1 Dr. Chetta's office also.

2 Q Do you remember who was present during this  
3 second session?

4 A I am sure Dr. Chetta was, Dr. Fatter, a  
5 stenographer; I am not sure which  
6 Assistant was there at that time.

7 Q Do you know whether or not a transcript was  
8 made of that meeting?

9 A Well, there was a stenographer there, I am  
10 sure that there was.

11 Q Were you also given a transcript of the second  
12 hypnotic session?

13 A Yes.

14 Q Do you still have that?

15 A I think they were bound together. No, I don't  
16 have it. I think they were bound together  
17 though, in other words, this is one, this  
18 is two (indicating).

19 Q I see. Now, were you in such a deep hypnotic  
20 trance upon the second occasion that you  
21 would be unable to review a transcript  
22 of that session and identify it as a true  
23 and correct transcript?

24 A Yes.

25 Q If I were to show you what purports to be a

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93



1 transcript of that session, would you be  
2 able to identify it as a result of having  
3 reviewed the copy of that transcript  
4 which was delivered to you by a repre-  
5 sentative of the DA's Office?

6 A I could approximately identify it.

7 MR. DYMOND:

8 I show you this, Mr. Alcock (exhibiting  
9 document to Counsel).

10 MR. ALCOCK:

11 All right.

12 MR. DYMOND:

13 We will mark this "D-13."

14 (Whereupon, the document referred  
15 to by Counsel was duly marked for  
16 identification as "Exhibit D-13.")

17 BY MR. DYMOND:

18 Q (Exhibiting document to witness) I show you a  
19 document which has been marked for  
20 identification "D-13," Mr. Russo, and I  
21 ask you to examine it and tell me whether  
22 that appears to be a true copy of the  
23 transcript of the second hypnotic session.

24 A (The witness nodded affirmatively.)

25 Q Would you say that appears to be a correct

RELEASED PER P.L. 102-696 (JFK ACT)  
NARA Quack DATE 11/23/93

1 copy, Mr. Russo?

2 A Yes, sir.

3 MR. DYMOND:

4 Your Honor, I will hold off on the

5 actual introduction of this one.

6 THE COURT:

7 All right.

8 BY MR. DYMOND:

9 Q Now, Mr. Russo, there was a third hypnotic

10 session, was there not?

11 A Right.

12 Q Now, where did this last one take place?

13 A In Charles -- in Mr. Ward's office.

14 Q In Mr. Ward's office?

15 A Yes, sir.

16 Q Who was present then?

17 A Dr. Fatter, Mr. Ward was in and out, and just

18 about -- you know, I am sure Sciambra

19 was there, some others, and a stenographer

20 initially.

21 Q You say there was a stenographer in the room

22 at that time, too?

23 A Well, there was when we began.

24 Q Were you furnished with a transcript of that

25 third session?

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 11/23/93

1 A No transcript was ever taken so I was told.

2 Q I see.

3 MR. DYMOND:

4 If the Court please, at this time I  
5 would like to ask of the State  
6 whether such a transcript was made  
7 and whether it will be furnished.

8 MR. ALCOCK:

9 Well, of course, Your Honor, Mr. Dymond  
10 knows if we did have a transcript  
11 I wouldn't necessarily deny him  
12 access to it -- he knows as a matter  
13 of law he is not entitled to it --  
14 but, as I recall, there was no  
15 transcript made because it was  
16 terminated in the very beginning.  
17 Perhaps -- although I wasn't there,  
18 Mr. Sciambra was, perhaps he could  
19 clarify it. I don't think there was  
20 a transcript made.

21 MR. SCIAMBRA:

22 Your Honor, there wasn't a transcript  
23 made of that particular session. I  
24 don't know the exact details about  
25 it, but Dr. Fatter had some problem

RELEASED PER P.L. 102-696 (JFK ACT)  
NARA DATE 11/23/93

1 in getting Perry to undergo hypnosis  
2 for some reason.  
3 THE COURT:  
4 The main thing, there was not a transcript  
5 made?  
6 MR. SCIAMBRA:  
7 No, Your Honor, there was no transcript  
8 made.  
9 BY MR. DYMOND:  
10 Q Mr. Russo, have you ever been under psychiatric  
11 treatment?  
12 A Have I ever been under -- yes, sir.  
13 Q When did that treatment commence?  
14 A The first year of college, in October.  
15 Q The first year of college?  
16 A In October.  
17 Q What year was that?  
18 A '59.  
19 Q '59. And under whose treatment were you?  
20 A Dr. Max E. Johnson.  
21 Q Dr. Max E. Johnson?  
22 A Max, M-a-x.  
23 Q I see. Does he still practice here in New  
24 Orleans?  
25 A I am sure he does.

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA *Quel* DATE 11/23/93

1 Q And how long did you remain under psychiatric  
2 treatment?  
3 A Twelve to 18 months.  
4 Q Twelve to 18 months?  
5 A It was on a consultation basis.  
6 Q I see. How often would you consult with your  
7 psychiatrist?  
8 A Well, initially on a consultation basis  
9 probably about two times a week.  
10 Q About twice a week?  
11 A Yes.  
12 Q Now, after your active consultation period  
13 ended with the psychiatrist, is it not a  
14 fact that you had telephone consultations  
15 with him for quite a lengthy time?  
16 A Well, not for a lengthy time, only when I had  
17 something that I wanted to discuss with  
18 him.  
19 Q And how long did that go on, sir?  
20 A It was kind of spotty, I mean it was once in  
21 '63 and once in '65, I am sure of that.  
22 Q Do you remember when in '63 that was that you  
23 consulted with him?  
24 A Right after January 31.  
25 Q After January 31?

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA *Sub* DATE 11/23/93

1 A Right after.

2 Q When was it in '65?

3 A I am not really sure of that, sir.

4 Q Have you consulted with him since 1965 at

5 all?

6 A No, I met him on the street, just talked to

7 him.

8 Q Have you ever telephoned him?

9 A Since '65?

10 Q Right.

11 A I don't think so, no.

12 Q Have you talked to any other psychiatrist since

13 1965?

14 A Only as far as someone up at LSU, just dis-

15 cussing psychiatry. I have always been

16 interested in psychology and psychiatry

17 and psychoanalysis.

18 Q But you were not under actual treatment?

19 A No. I discussed it for academic reasons.

20 MR. DYMOND:

21 Would Your Honor bear with us just one

22 moment, please?

23 (There was a brief pause in the

24 proceedings.)

25 BY MR. DYMOND:

RELEASED PER P.L. 102-896 (JFK ACT)  
NARA DATE 11/23/93

Q Mr. Russo, have you ever attempted to commit suicide?

A Never.

Q Do you know a man by the name of Mike Fitzpatrick?

A Mike Fitzpatrick? Yes, sir.

Q You knew him in 1962, didn't you?

A Oh, yes, sir.

Q Do you deny that in 1962 Mike Fitzpatrick came to your house, and when he got there your wrist had been cut and there was about a half inch of blood and a spot on the floor?

A (Exhibiting wrists) Mr. Dymond, I don't have any scars on my wrist.

Q Do you deny that?

A I deny that.

MR. DYMOND:

That is all.

MR. ALCOCK:

You have no further questions, Mr. Dymond?

MR. DYMOND:

No further questions.

THE COURT:

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RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

1 Mr. Alcock, before you start, it is  
2 about three minutes after 4:00 and  
3 I think the news media would like  
4 a break before you start on re-  
5 direct. I don't know whether they  
6 would like to have a five-minute  
7 break now or wait until 4:30. I  
8 think some of them, of course, re-  
9 quested a break a half hour or so  
10 ago, so unless somebody puts up a  
11 hand to the contrary, we will go  
12 along.

13 (Whereupon, several hands were  
14 raised in the courtroom.)

15 THE COURT:

16 All right. We will take a five-minute  
17 recess. Let the Jury remain in the  
18 box here.

19 (Whereupon, a brief recess was taken.)

20 AFTER THE RECESS:

21 THE COURT:

22 Are the State and the Defense ready to  
23 proceed?

24 MR. DYMOND:

25 Yes, sir.

RELEASED PER P.L. 102-596 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)



1 MR. ALCOCK:

2 The State is ready.

3 REDIRECT EXAMINATION

4 BY MR. ALCOCK:

5 Q Perry, I think that I recall on cross-  
6 examination that you mentioned the fact  
7 that David Ferrie had exhibited considera-  
8 ble knowledge in the field of medicine.  
9 Is that correct? Am I correct when I say  
10 that?

11 A Yes, he had a laboratory and he talked a  
12 great deal about medical things.

13 Q (Exhibiting photographs to witness) Perry, I  
14 am going to show you three pictures, which  
15 I have marked for purposes of identifica-  
16 tion as "State 21, 22" and "State 23,"  
17 and I ask you to view these pictures, and  
18 I ask you if you recognize any of the ob-  
19 jects exhibited in the pictures.

20 MR. DYMOND:

21 If the Court please, we object to this  
22 on the ground that it is completely  
23 irrelevant to the issues in this  
24 case. I think if Your Honor will ex-  
25 amine the photographs you will see

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: NSCA (RG 233)

1                   what I mean.

2                   (Photographs exhibited to the  
3                   Court.)

4           THE COURT:

5                   I would like to ask Mr. Alcock, do you  
6                   intend to link this up with the --

7           MR. ALCOCK:

8                   Your Honor, I think that these will  
9                   demonstrate to the Court and the  
10                  Jury that when Perry Russo said that  
11                  he exhibited great knowledge in  
12                  medicine and in the field of medi-  
13                  cine and dabbled in it, that these  
14                  pictures will corroborate that  
15                  testimony.

16          THE COURT:

17                  I will overrule the objection and permit  
18                  it as corroborative evidence.

19          MR. DYMOND:

20                  To which ruling Counsel objects and re-  
21                  serves a bill, making the State's  
22                  offerings, S-21, S-22, and S-23,  
23                  the Defense objection, the Court's  
24                  ruling and the entire record up to  
25                  now part of the bill.

RELEASED PER P.L. 102-896 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: HSCA (RG 233)

1 (Whereupon, the photographs re-  
2 ferred to by Counsel were duly  
3 marked for identification as  
4 "Exhibit S-21, S-22," and "Ex-  
5 hibit S-23.")

6 BY MR. ALCOCK:

7 Q Do you recognize the objects depicted in  
8 those pictures?

9 A The microscope and --

10 MR. DYMOND:

11 Now, if Your Honor please, we object  
12 here on the ground that this witness  
13 is not a medical expert by any  
14 means and here we have him trying  
15 to identify alleged medical equip-  
16 ment.

17 MR. ALCOCK:

18 He is merely identifying the physical  
19 objects.

20 THE COURT:

21 Overrule the objection. I feel it is not  
22 necessary to have an expert to answer  
23 the particular question.

24 MR. DYMOND:

25 To which ruling Counsel objects and re-

Reference copy, JFK Collection: ESCA (RG 233)

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA *Smith* DATE *11/23/93*

1 serves a bill, making the State's  
2 question, the Defense objection,  
3 reasons therefor, the Court's ruling,  
4 and the entire testimony and the  
5 same three exhibits and the record  
6 to date, part of the bill.

7 THE COURT:

8 He is not asking the witness for a medi-  
9 cal reply, he is asking for the re-  
10 ply of an average ordinary citizen.  
11 He is not asking an expert question  
12 which needs an expert answer.

13 All right, you may proceed.

14 BY MR. ALCOCK:

15 Q Go ahead.

16 A The microscope looks familiar, and the black  
17 box and these test tubes -- I am not  
18 sure about the container, the porcelain  
19 container I am not sure about, but the  
20 frame container for the tubes is familiar.

21 Q Where if anywhere did you see the objects  
22 that you have just identified?

23 A In Dave Ferrie's apartment.

24 Q Would that be on Louisiana Avenue Parkway?

25 A I think some medical things -- I think this

RELEASED PER P.L. 102-886 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: HSCA (RG 233)

1           microscope (indicating) might have been  
2           out at Kenner, too, but I think these  
3           were at Louisiana Avenue.

4       Q     All right. Now you were referring at that  
5           time to State's Exhibit 22?

6       A     Well, I mean this microscope in all three of  
7           them.

8       Q     You recognize the microscope to be the micro-  
9           scope that was in Dave Ferrie's apart-  
10          ment or --

11       MR. DYMOND:

12           Object to leading the witness.

13       THE COURT:

14           Rephrase the question.

15       BY MR. ALCOCK:

16       Q     Do you recognize this to be the microscope or  
17           a similar one?

18       A     It appears to be the one or a similar one --  
19           I am not sure exactly the same one, but  
20           it looks like the one he had there.

21       Q     Thank you. Now, Perry, at that time did you  
22           know Clay Shaw?

23       A     Was this on March 1?

24       Q     March 1.

25       A     I knew a man that I knew as Clem Bertrand.

RELEASED PER P.L. 102-286 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: NSCA (RG 233)

1 Q Did you know Clay Shaw as Clay Shaw, or Clay  
2 Shaw as Clem Bertrand?

3 A I had been told in the previous week that --  
4 MR. DYMOND:

5 Object to what he had been told.

6 THE COURT:

7 Objection sustained.

8 A I had learned the man's real name was --  
9 MR. DYMOND:

10 Your Honor, I object. He is putting it  
11 in just a different way.

12 THE COURT:

13 I sustain the objection.

14 BY MR. ALCOCK:

15 Q Did you know Clay Shaw as Clay Shaw, or Clay  
16 Shaw as Clem Bertrand?

17 A I never knew anyone named Clay Shaw.

18 Q So when you responded to the question, do you  
19 know Clay Shaw, and you responded no,  
20 why did you respond no to that question?

21 A Because I didn't know Clay Shaw. I was intro-  
22 duced to a man named Clem Bertrand.

23 Q Perry, in Baton Rouge on February 24, and  
24 more specifically your interview with  
25 Jim Kemp, during the course of that inter-

1 view with Jim Kemp did he exhibit any  
2 photographs to you?

3 A In Baton Rouge?

4 Q Yes.

5 A No, sir.

6 Q Did he ask you to identify any photographs?

7 A No photographs were shown to me and he didn't  
8 ask me to identify photographs.

9 Q Now referring to your interview with Mr.  
10 Bankston, were you shown any photographs  
11 and asked to identify any photographs?

12 A No. We talked in general about Dave Ferrie.

13 Q At that time, which would have been February  
14 24, 1967, did you know anyone by the name  
15 of Clay Shaw?

16 A On February 24?

17 Q Yes.

18 A I had never heard the name Clay Shaw before  
19 in my life.

20 Q Perry, can you recall when you learned the  
21 correct name of the Defendant before the  
22 Bar?

23 A Would you repeat that?

24 Q Do you recall when you first learned the  
25 correct name of the Defendant?

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: NSCA (RG 233)

1 A It was sometime after the 27th, I would just  
2 say about the middle of the week.  
3 Q Did you learn it in Baton Rouge or in New  
4 Orleans?  
5 A I learned it in New Orleans.  
6 Q Now, Perry, did you identify the person de-  
7 picted in State's Exhibit No. 1 to  
8 Andrew Sciambra on February 25, 1967?  
9 MR. DYMOND:  
10 Your Honor, I again object to leading the  
11 witness.  
12 MR. ALCOCK:  
13 That is not leading, Your Honor.  
14 THE COURT:  
15 Rephrase the question.  
16 BY MR. ALCOCK:  
17 Q Did you identify any pictures for Mr. Sciambra  
18 on February 25, 1967?  
19 A Yes, sir.  
20 Q (Exhibiting photograph to witness) Is S-1 one  
21 of those pictures?  
22 A I am not sure if it is the exact picture, I  
23 think it was only the right half, it was  
24 an enlargement of the right half.  
25 Q And how did you identify the picture?



RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESKA (RG 233)

1 A Well, he had the picture, several pictures  
2 with him, or quite a few, and I pulled  
3 this one out when he showed it to me,  
4 and I said that I had known this man.  
5 Q And did you say where you had known this man?  
6 A I said that he was a roommate of Ferrie's.  
7 Q Now, was this before or after any attempt was  
8 made to draw any whiskers on the picture?  
9 A This was in Baton Rouge, this was before,  
10 although we did attempt to draw whiskers  
11 at that time.  
12 Q Was the identification made before the attempt  
13 or after the attempt?  
14 A Identification was made before the attempt.  
15 Q Perry, can you tell us why in the interview  
16 with James or Jim Kemp on February 24,  
17 1967, you did not go into detail or into  
18 the degree of detail that you have gone  
19 into in this courtroom today?  
20 A Well, this was at Channel 2 at Baton Rouge --  
21 Channel 9 -- one or the other, one of the  
22 two stations -- there are only two  
23 stations up there -- and he had no photo-  
24 graphs, it was just a general interview,  
25 he had no photographs that he showed me.

RELEASED PER P.L. 102-628 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: HSCA (RG 233)

1 He mentioned no names except Harvey Lee  
2 Oswald's name. Of course, Dave Ferrie's  
3 name, he mentioned that. He didn't go  
4 into -- well, he had no photographs to  
5 say, well, is this guy involved or that  
6 guy involved, he didn't show me anything,  
7 all he did was set it up and turn on a  
8 camera and we started talking, or he  
9 started asking questions.

10 Q Would that be the same reason why you did not  
11 go into this detail with Mr. Bankston?

12 A Well, Mr. Bankston was interested in Dave  
13 Ferrie. He indicated an interest in  
14 Lee Harvey Oswald, which I was not going  
15 to tell him I knew Lee Harvey Oswald.  
16 I had known a Leon Oswald, and I maintain  
17 that to this point right now, and he  
18 didn't have any photographs either, none  
19 of them had any photographs, all they  
20 did was just talk.

21 Q Perry, do you realize the seriousness of this  
22 charge?

23 MR. DYMOND:

24 I object to that, Your Honor.

25 THE COURT:

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA 91 DATE 11/28/93

Reference copy, JFK Collection: HSCA (RG 233)

1 I sustain the objection.

2 MR. ALCOCK:

3 On what ground, Your Honor? I would like  
4 to know the ground for the objection.

5 THE COURT:

6 It makes no difference what he thinks.

7 There is law on it, and the law is  
8 serious, the law makes it out to be  
9 a crime.

10 BY MR. ALCOCK:

11 Q Perry, are you today identifying the Defendant

12 Clay Shaw as the same man that you saw  
13 in Ferrie's apartment in mid-September,  
14 1963, who was identified to you as Clem  
15 Bertrand?

16 MR. DYMOND:

17 Object as a leading question.

18 THE COURT:

19 Overrule the objection.

20 MR. DYMOND:

21 To which ruling Counsel reserves a bill  
22 of exception, making the State's  
23 question, the Defense objection, the  
24 Court's ruling, the reason for the  
25 objection, and the entire record

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 up until this point part of the  
2 bill.

3 BY MR. ALCOCK:

4 Q Answer the question.

5 A The question is whether Clay Shaw and Clem  
6 Bertrand are one and the same? They are.

7 MR. ALCOCK:

8 No further questions.

9 THE COURT:

10 All right. You may step down.

11 MR. DYMOND:

12 Your Honor, I have a few questions.

13 THE COURT:

14 Very well, you may recross.

15 RE-CROSS-EXAMINATION

16 BY MR. DYMOND:

17 Q Mr. Russo, were you not permitted to look at  
18 Clay Shaw through a one-way glass in the  
19 District Attorney's Office?

20 MR. ALCOCK:

21 Object, Your Honor. This was not brought  
22 out on redirect. He can only go on  
23 recross on what was brought out on  
24 redirect.

25 MR. DYMOND:

RELEASED PER P.L. 102-628 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: NSCA (RG 233)

1 If the Court please, this was brought  
2 out on redirect and has to do with  
3 his not knowing who Clay Shaw was  
4 on March 1.

5 THE COURT:

6 I will permit the question.

7 BY MR. DYMOND:

8 Q Do you remember the question?

9 A Did I identify Clay Shaw through a one-way  
10 mirror?

11 Q Yes.

12 A Is that correct, or similar to that?

13 Q On March 1, 1967 in the District Attorney's  
14 Office.

15 A I am not sure of the date -- I am almost sure  
16 it was March 1 -- but yes, I did.

17 Q Is it not a fact that Clay Shaw was sitting  
18 in one of the offices that you were in  
19 another portion of the District Attorney's  
20 Office in general, and were able to see  
21 through what from the inside of the office  
22 where Clay Shaw was appeared to be a  
23 mirror?

24 A Right.

25 Q Is it not a fact that you were told who this

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: NSCA (RG 233)

1 subject was who was sitting in there  
2 at that time?  
3 MR. ALCOCK:  
4 Objection.  
5 THE COURT:  
6 I will permit the question. On what  
7 grounds?  
8 MR. ALCOCK:  
9 Hearsay.  
10 THE COURT:  
11 I will permit it.  
12 THE WITNESS:  
13 Would you repeat that?  
14 BY MR. DYMOND:  
15 Q Is it not a fact that when you were permitted  
16 to look at Clay Shaw through this one-  
17 way glass, you were told who he was?  
18 A I had been told that before, probably was told,  
19 or I heard the name at that same time  
20 also.  
21 Q That was on March 1? Right?  
22 A I had been told -- I think if I came down to  
23 New Orleans on the 27th, I was probably  
24 told the next day or the day after.  
25 Q What you were told was what Clay Shaw's real

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA  
DATE 11/28/93

Reference copy, JFK Collection: HSCA (RG 233)

1 name was, one day or two days after you  
2 got down here?  
3 A The middle of that week it would probably be.  
4 Q But you did know his real name when you looked  
5 at him?  
6 A His name to me is Clem Bertrand, I am not  
7 going to claim him as Clay Shaw right  
8 now.  
9 Q Were you not informed by a representative  
10 of the DA's Office that you were looking  
11 at Clay Shaw through a one-way glass?  
12 A No District Attorney walked in there and said  
13 you are looking at Clay Shaw through a  
14 one-way glass, I am sure of that.  
15 Q Did anyone inform you of the actual name of  
16 the man you were looking at?  
17 A I said that they did, someone did.  
18 Q Now, is it not a fact that the interview which  
19 was conducted by Korbelt and the other re-  
20 porter on the steps of the courthouse,  
21 was taken as you were leaving the court-  
22 house that day?  
23 A Right.  
24 Q Is it not a fact then that you did know the  
25 correct name of Clay Shaw when you --

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA 91 DATE 11/23/93

1 A No, I didn't know Clay Shaw and I don't know  
2 Clay Shaw right now.  
3 Q Let me ask the question before you answer it.  
4 THE COURT:  
5 Cut the screaming down. We can do  
6 better talking low. Let him finish  
7 the question and then you can answer  
8 it.  
9 BY MR. DYMOND:  
10 Q If you had been told this man's correct name  
11 when you were looking through the one-  
12 way glass in the DA's Office, and this  
13 interview was taken when you were leaving  
14 this building, why didn't you know his  
15 correct name then?  
16 A Because I never was introduced to a man named  
17 Clay Shaw, I was introduced to Clem  
18 Bertrand and that is still the name that  
19 he goes under to me right now.  
20 Q You wouldn't be splitting hairs on this, would  
21 you?  
22 MR. ALCOCK:  
23 Object, Your Honor.  
24 THE COURT:  
25 That is argument.

Reference copy, JFK Collection: HSCA (RG 233)



RELEASED PER P.L. 102-526 (JFK ACT)  
NARA  
DATE 11/23/43

497

1 THE BAILIFF:

2 Order, order, please!

3 BY MR. DYMOND:

4 Q Do you still say you weren't told that was  
5 Clay Shaw you were looking at?

6 MR. ALCOCK:

7 Objection. He has answered the question.

8 THE COURT:

9 He has answered the question. I sustain  
10 the objection. Cool it down, please.  
11 Gentlemen. We can do just as well  
12 by keeping our voices down.

13 MR. DYMOND:

14 Your Honor, when somebody tries to talk  
15 when you are still asking a question,  
16 you have to raise your voice to be  
17 heard.

18 BY MR. DYMOND:

19 Q Now, in talking about your interview with  
20 Jim Kemp up in Baton Rouge, you say you  
21 didn't mention the name Lee Harvey Oswald  
22 because you had known a Leon Oswald? Is  
23 that right?

24 A Right.

25 Q Isn't it a fact that you also did not mention

Reference copy, JFK Collection: ESCA (RG 233)

1 anything about a plot meeting or a  
2 conspiracy meeting?  
3 MR. ALCOCK:  
4 Objection. He has answered the question.  
5 MR. DYMOND:  
6 If the Court please, the State went into  
7 this on redirect.  
8 MR. ALCOCK:  
9 And he answered the question.  
10 MR. DYMOND:  
11 I would like to go into it now.  
12 MR. ALCOCK:  
13 He has answered the question.  
14 BY MR. DYMOND:  
15 Q Isn't it a fact --  
16 MR. ALCOCK:  
17 Objection.  
18 MR. DYMOND:  
19 You have been overruled.  
20 MR. ALCOCK:  
21 I have not been overruled.  
22 THE COURT:  
23 If it has been brought out on redirect --  
24 and I think it has been -- what  
25 questions were put by the reporters,

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/23/23

Reference copy, JFK Collection: ESCA (RG 233)

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK collection: HSCA (RG 233)

1 without pictures -- I believe Mr.  
2 Dymond is referring to the same  
3 interview on recross, and he should  
4 be permitted to go into it. There-  
5 fore I overrule the State's objec-  
6 tion.

7 BY MR. DYMOND:

8 Q Would you answer the question, please.

9 A Would you read the question?

10 (Whereupon, the pending question  
11 was read back by the Reporter.)

12 A To Jim Kemp?

13 BY MR. DYMOND:

14 Q Right.

15 A Jim Kemp never asked me anything along those  
16 lines.

17 Q I see. But in spite of that you told your  
18 friends after the assassination that Leon  
19 Oswald and Lee Harvey Oswald were the  
20 same person, is that right?

21 MR. ALCOCK:

22 Objection, Your Honor. That wasn't  
23 brought out on redirect.

24 MR. DYMOND:

25 It is in relation to the question I just

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA DATE 11/28/93

Reference copy, JFK Collection: ESCA (RG 233)

1 finished asking.

2 THE COURT:

3 Overrule the objection.

4 A I told some friends of mine I think I knew  
5 that man.

6 BY MR. DYMOND:

7 Q Still you didn't mention anything about this  
8 to Jim Kemp? Right?

9 A Right.

10 THE COURT:

11 Now I am going to intercede. He only  
12 answered the questions that were  
13 put to him, he didn't volunteer  
14 anything. That is what I understand.

15 MR. DYMOND:

16 If Your Honor please, we object to the  
17 Court commenting on the evidence,  
18 we do, and we move for a mistrial.

19 THE COURT:

20 Well, it is denied.

21 MR. DYMOND:

22 -- on the ground that the Court commented  
23 on evidence, and reserve a bill of  
24 exception to the Court's ruling,  
25 making the Court's comment and the

501

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 entire record up to this time part  
2 of the bill.  
3 THE COURT:  
4 Very well.  
5 BY MR. DYMOND:  
6 Q Now, Mr. Russo, you say that you made the  
7 identification of the Oswald photograph  
8 in New York as being the same as Leon  
9 Oswald, before the whiskers were put on?  
10 Is that right?  
11 MR. ALCOCK:  
12 Objection, Your Honor. New York is not  
13 involved in this.  
14 BY MR. DYMOND:  
15 Q In Baton Rouge?  
16 A Yes, sir, in Baton Rouge, yes.  
17 Q Is that correct?  
18 A Yes, sir.  
19 Q You say that, and do you also say that when  
20 you saw Lee Harvey Oswald's picture on  
21 television and in the newspapers after  
22 the assassination, you did not identify  
23 it as being Leon Oswald?  
24 A I told some of my friends that I think I had  
25 known that man.

RELEASED PER P.L. 102-626 (JFK ACT)

Reference copy, JFK Collection: NSCA (RG 233)

1 Q And is it your testimony that you sat in, or  
2 listened in, on a conspiratorial meeting  
3 with a man whom you saw represented in  
4 the paper and on television as the killer  
5 of President Kennedy, and didn't report  
6 it at that time to any law enforcement  
7 agent? Is that right?

8 A No, I never said anything about a conspiracy;  
9 I didn't sit in on any conspiracies.

10 Q Now with respect to your interview with Mr.  
11 Bankston up in Baton Rouge, is it your  
12 testimony that you didn't mention any-  
13 thing about this party or this meeting  
14 because he seemed to be interested only  
15 in Ferrie?

16 A No, it wasn't totally interested in Ferrie,  
17 but he wasn't even interested in me  
18 initially until something came over the  
19 teletype about Dave Ferrie, and he was  
20 interested at that time, said, "Well, we  
21 will take a statement," and so for the  
22 next 30 or 40 minutes we sat there and  
23 talked.

24 Q As a matter of fact, you called Bankston, he  
25 didn't call you?

6

1 A I called the State Times; I don't know if I  
2 talked to him on the phone or not.  
3 Q You called his newspaper, is that correct?  
4 A Right.  
5 Q And you had your story to tell and you told  
6 it? Isn't that right?  
7 A That I knew Dave Ferrie, yes.  
8 MR. DYMOND:  
9 That is all.  
10 MR. ALCOCK:  
11 Your Honor, in connection with the testi-  
12 mony of this witness, the State  
13 would like to offer and file and  
14 introduce into evidence the follow-  
15 ing exhibits: --  
16 MR. DYMOND:  
17 I don't know these by number, Mr. Alcock.  
18 MR. ALCOCK:  
19 I will bring them up.  
20 MR. DYMOND:  
21 All right.  
22 MR. ALCOCK:  
23 I may not have them in exact order.  
24 "S-23" which purports to be a  
25 picture of --

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 THE COURT:

2 What is the number of it?

3 MR. ALCOCK:

4 "S-23," which purports to be a picture  
5 of the microscope identified by the  
6 witness on the stand.

7 THE COURT:

8 Let's take them one at a time. Is there  
9 any objection?

10 MR. DYMOND:

11 Yes, Your Honor. We object to the pic-  
12 tures of the medical equipment, we  
13 make the same objection of lack of  
14 relevancy.

15 THE COURT:

16 I will overrule the objection, so you  
17 can offer "S-21," "S-22," and  
18 "S-23" over the objection. They  
19 will be permitted to be offered.

20 MR. DYMOND:

21 Very well. We would like to reserve a  
22 bill of exception to their introduc-  
23 tion, making the photographs, the  
24 objection, the reason for the ob-  
25 jection, the Court's ruling, and the



505

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: HSCA (RG 233)

1 entire record up until now part of  
2 the bill, also making the exhibits  
3 part of it.

4 THE COURT:  
5 Are you taking three separate bills?  
6 MR. DYMOND:  
7 I think we can make that one bill.

8 THE COURT:  
9 All right. One bill.

10 MR. ALCOCK:  
11 "S-19" purports to be a picture of Lee  
12 Harvey Oswald with certain altera-  
13 tions to the face.

14 MR. DYMOND:  
15 No objection.

16 THE COURT:  
17 Let it be received.

18 MR. ALCOCK:  
19 "S-15-Trial" purports to be a picture of  
20 the dining room of the apartment of  
21 David Ferrie.

22 MR. DYMOND:  
23 No objection.

24 THE COURT:  
25 Let it be received.

506

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/83

Reference copy, JFK Collection: HSCA (RG 235)

1 MR. ALCOCK:  
2 "S-13-Trial" which purports to be a  
3 picture of the living room of the  
4 apartment of David Ferrie.  
5 MR. DYMOND:  
6 No objection.  
7 THE COURT:  
8 Let it be received.  
9 MR. ALCOCK:  
10 "S-11," which purports to be a picture  
11 of the outside front of the apart-  
12 ment of David Ferrie.  
13 MR. DYMOND:  
14 No objection.  
15 THE COURT:  
16 Let it be received.  
17 MR. ALCOCK:  
18 "S-12-Trial," which purports to be a  
19 picture of the hallway in David  
20 Ferrie's apartment.  
21 MR. DYMOND:  
22 No objection.  
23 THE COURT:  
24 Let it be received.  
25 MR. ALCOCK:

507

RELEASED PER P.L. 108-626 (JFK ACT)  
NARA  
DATE 11/23/93

1 "S-24-Trial," which purports to be a  
2 picture of the hallway of David  
3 Ferrie's apartment.  
4 MR. DYMOND:  
5 No objection.  
6 THE COURT:  
7 Let it be received.  
8 MR. ALCOCK:  
9 "S-16-Trial," which purports to be a  
10 picture of David Ferrie.  
11 MR. DYMOND:  
12 No objection.  
13 THE COURT:  
14 Let it be received.  
15 MR. ALCOCK:  
16 And "S-17-Trial," which purports to be a  
17 picture of two detectives leading  
18 Lee Harvey Oswald out of the jail in  
19 Dallas, Texas.  
20 MR. DYMOND:  
21 No objection.  
22 THE COURT:  
23 Let it be received.  
24 MR. ALCOCK:  
25 The State would like also to offer, file

Reference copy, JFK Collection: ESCA (RG 233)

508

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA  
DATE 11/23/93

1 and introduce into evidence, having  
2 marked same for purposes of identi-  
3 fication, "S-18," which purports to  
4 be a Mannlicker-Carcano rifle with  
5 a telescopic sight.

6 MR. DYMOND:

7 To which we object, Your Honor. This  
8 rifle does not purport to have any  
9 direct connection with the case.  
10 It is our contention that it is  
11 completely irrelevant to the issues  
12 in the case.

13 THE COURT:

14 Overrule the objection.

15 MR. DYMOND:

16 To which ruling Counsel objects and re-  
17 serves a bill of exception, making  
18 the objection, the Court's ruling,  
19 together with the reasons therefor,  
20 and the Exhibit S-18, together with  
21 the entire record up until this  
22 point, part of the record.

23 THE COURT:

24 I understand, Mr. Alcock, that the ex-  
25 hibit is being offered as being

Reference copy, JFK Collection: NSCA (RG 233)

509

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA 31 DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 similar to?

2 MR. ALCOCK:

3 Yes, yes.

4 THE COURT:

5 All right. You didn't say that. It is

6 similar to but not the original?

7 MR. ALCOCK:

8 It is a Mannlicker-Carcano rifle but it

9 is similar.

10 THE COURT:

11 Yes, similar.

12 MR. DYMOND:

13 If Your Honor please, I would like to

14 point out that there is nothing in

15 the record to identify this as a

16 Mannlicker-Carcano rifle.

17 MR. ALCOCK:

18 All right. Just put it as a rifle.

19 Your Honor, I think Mr. Russo is excused,

20 isn't he?

21 THE COURT:

22 I am waiting for you to tell me. You

23 have no further questions?

24 MR. ALCOCK:

25 No, I have no further questions.

510

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

(Witness excused.)

THE COURT:

Mr. Alcock, I am checking on your  
Exhibit S-20. What exhibit is  
that, Mr. Sullivan?

THE CLERK:

It went in on S- and D-20.

MR. ALCOCK:

Your Honor, in connection with the testi-  
mony of the witness Perry Russo, and  
in consideration of the fact that  
Dr. Chetta is now deceased, the  
State would at this time ask per-  
mission of the Court to have Mr.  
Alvin Oser, Assistant District Attor-  
ney, the man who examined Dr.  
Chetta in the preliminary hearing,  
read into the record his testimony  
then given.

MR. DYMOND:

Your Honor, we object.

THE COURT:

State your reasons why.

MR. DYMOND:

Well, I think the Jury should be removed

511

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 for this objection, if the Court  
2 please.

3 THE COURT:

4 All right. Take the Jury in my office.  
5 (Whereupon, the Jury was excused  
6 from the courtroom.)

7 THE COURT:

8 I am faced with Article 295. I guess  
9 you are aware of it.

10 MR. DYMOND:

11 I am aware of it.

12 THE COURT:

13 I will be glad to hear your objection.

14 MR. DYMOND:

15 Your Honor, this objection is not based  
16 upon Article 295, which deals with  
17 preliminary hearings, at all. We  
18 realize that ordinarily the testimony  
19 of a deceased witness which has been  
20 previously taken at a preliminary  
21 hearing, is admissible on the trial  
22 of the case, but we object to this  
23 on the basic admissibility of this  
24 testimony because of its very nature,  
25 that is, were the same testimony to

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA 21 DATE 11/23/93

Reference copy, JFK Collection: HSCA (RG 233)

1 be offered from the lips of Dr.  
2 Chetta, we do not feel that it  
3 would be admissible here. This  
4 testimony purports to be in large  
5 part statements of the witness  
6 Perry Raymond Russo while he was  
7 under the influence of the drug  
8 sodium pentathol which had been  
9 administered by Dr. Chetta, and  
10 that actually the Court would have  
11 to read the entire testimony of Dr.  
12 Chetta from the transcript of this  
13 preliminary hearing in order to  
14 properly pass upon this objection.  
15 We objected to this testimony at  
16 the preliminary hearing, but, of  
17 course, being a preliminary hearing,  
18 the testimony was permitted, but this  
19 is a trial before a Jury here now.

20 MR. OSER:

21 Your Honor, will the Court hear the  
22 State?

23 THE COURT:

24 The Court would like to hear the State,  
25 certainly.



513

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

1 MR. OSER:

2 Your Honor, the State's position in the  
3 matter is that what is in the pre-  
4 liminary hearings -- Mr. Dymond has  
5 opened the door on the question of  
6 sanity or insanity of the witness  
7 Perry Russo, so the State would  
8 like to quote the case of People  
9 vs. Esposito, 287 N.Y. 289, 39 N.E.  
10 2, 1925, decided in 1942, and in  
11 this particular case the testimony  
12 was admitted by a psychiatrist  
13 based on the reactions and informa-  
14 tion received from the defendant  
15 while under the influence of drugs  
16 and sodium pentathol, which is  
17 truth serum, and in this particular  
18 case the doctor used this as one of  
19 the aids and means by which he  
20 tested and determined whether or  
21 not the defendant was sane or insane  
22 and this is the reason that the  
23 testimony of Dr. Chetta is being  
24 offered. This is further covered,  
25 if Your Honor please, in the Temple

Reference copy, JFK Collection: ESCA (RG 233)

514

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/28/13

Reference copy, JFK Collection: NSCA (RG 233)

1 Law Review, Volume 35, Page 401.

2 THE COURT:

3 Can I get a copy of the Temple Law  
4 Review article?

5 MR. OSER:

6 I believe Judge Bagert still has a copy.

7 MR. WILLIAM WEGMANN:

8 I have a copy of it and I have no objec-  
9 tion to submitting it to the Court,  
10 because I think --

11 THE COURT:

12 A copy of what?

13 MR. WEGMANN:

14 Of the Law Review article he is talking  
15 about -- because I think it proves  
16 exactly the opposite.

17 THE COURT:

18 I will hear Mr. Dymond.

19 MR. DYMOND:

20 I don't think, if the Court please, that  
21 the Esposito case is applicable  
22 here at all. In the first place,  
23 Counsel is contending by asking a  
24 witness whether he has had psychia-  
25 tric treatment, that I have opened

515

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 the door as to his sanity. You  
2 will probably get resentment from a  
3 lot of people in this courtroom if  
4 you questioned the sanity of each  
5 one who has consulted with a  
6 psychiatrist.

7 THE COURT:

8 Well, to the layman, whether you believe  
9 it or not, to the layman a person  
10 who goes to a psychiatrist, they  
11 do think something is wrong with  
12 them; whether he is nuts or not,  
13 that is something else.

14 MR. DYMOND:

15 Your Honor, further the sodium pentathol

16 THE COURT:

17 I know what sodium pentathol is.

18 MR. DYMOND:

19 -- test has nothing whatsoever to do with  
20 sanity or insanity. This is testi-  
21 mony concerning material which was  
22 obtained from this witness in the  
23 form of testimony while under the  
24 influence of this drug. I know of  
25 no case in the history of our juris-

516

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA DATE 11/23/93

1           prudence where such testimony has  
2           been admitted in evidence. We  
3           don't know what effect the adminis-  
4           tration of this drug has on a wit-  
5           ness, the Jury doesn't, the Court  
6           doesn't, and I don't think that you  
7           will find a case in the annals of  
8           our country where a court has said  
9           yes, put a man under sodium  
10          pentathol, or a drug, and get him  
11          to talk and then that testimony is  
12          admissible in evidence.

13       THE COURT:

14           Let me read to you, irrespective of your  
15           saying you are not alluding to  
16           Article 295, it seems like that  
17           article covers it very nicely. I am  
18           going to read it.

19       MR. DYMOND:

20           We have no argument with 295.

21       THE COURT:

22           I am going to read it for the record.

23           Take this down.

24           "295. Admission of Transcripts and

25           Other Proceedings. The transcript

Reference copy, JFK Collection: HSCA (RG 233)

517

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 of the testimony of a defendant  
2 who has testified at a preliminary  
3 examination is admissible against  
4 him upon the trial of his case, or,  
5 if relevant, in any subsequent judi-  
6 cial proceedings.

7 "The transcript of the testimony of any  
8 other witness who testified at the  
9 preliminary examination is admissi-  
10 ble for any purpose in any subse-  
11 quent proceedings in the case on be-  
12 half of either party. If the Court  
13 finds that the witness is dead, too  
14 ill to testify, absent from the state,  
15 or cannot be found, and that the ab-  
16 sence of the witness was not pro-  
17 cured by the party offering the  
18 testimony --

19 MR. DYMOND:

20 Your Honor --

21 THE COURT:

22 Let me finish reading.

23 " -- the transcript of testimony given by  
24 a person at a preliminary examination  
25 may be used by any party in a subse-

1                   quent judicial proceedings for the  
2                   purpose of impeaching or corroborating  
3                   the testimony of such person as a  
4                   witness."

5           (Reporter's Note: The above quotation  
6           transcribed from the notes as they lie;  
7           the reader is referred to the source.)

8           THE COURT:

9           Now, you have used the transcript of that  
10           hearing in attacking or impeaching  
11           the testimony of Perry Russo. You  
12           were also present at this prelimi-  
13           nary examination and hearing, and  
14           you offered whatever objections you  
15           had to Dr. Chetta's testimony -- I  
16           am sure you must have.

17          MR. DYMOND:

18           Your Honor, in answer to that I would  
19           like to say this: Yes, we did  
20           offer objections and we were met  
21           with the answer that "This is a pre-  
22           liminary hearing."

23          THE COURT:

24           The same rules of evidence apply.

25          MR. DYMOND:

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA      DATE 11/23/93

Reference copy, JFK Collection: HSCA (RG 233)

519

RELEASED PER P.L. 102-636 (JFK ACT)  
NARA DATE 12/23/93

Reference copy, JFK Collection: ESCA (RG 213)

1 I beg your pardon.

2 MR. WILLIAM WEGMANN:

3 No, they were not applied.

4 MR. DYMOND:

5 They were not applied. If Your Honor  
6 will examine this transcript, you  
7 will see that upon numerous occa-  
8 sions we objected to hearsay evi-  
9 dence on this preliminary hearing.  
10 We were met with argument by the  
11 State that this is a preliminary  
12 hearing and that hearsay evidence  
13 can be introduced at a preliminary  
14 hearing, and the three-judge panel  
15 so ruled. If Your Honor will examine  
16 this transcript, it will bear me  
17 out. And we have another situation  
18 here where evidence was admitted on  
19 the preliminary hearing because it  
20 was a preliminary hearing. We are  
21 confronted here with exactly the  
22 situation that we feared we would be  
23 confronted with.

24 THE COURT:

25 Well, was the argument advanced to the

520

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NARA DATE 11/23/93

Reference copy, JFK collection: HSCA (RG 213)

1 three-judge court of the possibili-  
2 ty of that testimony being read at  
3 subsequent trial?

4 MR. DYMOND:

5 Absolutely, absolutely it was, and the  
6 record reflects it.

7 THE COURT:

8 In its entirety?

9 MR. WILLIAM WEGMANN:

10 And you will find a very detailed argu-  
11 ment at the very beginning of  
12 Russo's testimony, as to what was  
13 going to be done.

14 THE COURT:

15 I am ready to rule. I will overrule your  
16 objection, I will permit the reading  
17 of this under Article 295.

18 MR. DYMOND:

19 Your Honor, may we ask that before you  
20 make such a ruling as this --

21 THE COURT:

22 I have already made it.

23 MR. DYMOND:

24 I will ask you to retract it then and  
25 permit us to research this point and



521

RELEASED PER P.L. 102-226 (JFK ACT)  
NARA DATE 11/23/93

1 furnish you with authorities to-  
2 morrow morning. I mean this ruling  
3 is absolutely contrary to anything  
4 that was anticipated in this pre-  
5 liminary hearing.

6 THE COURT:

7 From a purely legal situation, you made  
8 the objection anticipating that  
9 the transcript could be read at a  
10 subsequent judicial proceeding, and  
11 you tell me the reason it was per-  
12 mitted is because they agreed it  
13 was hearsay but although it was  
14 hearsay that it was permitted be-  
15 cause it was a preliminary examina-  
16 tion?

17 MR. DYMOND:

18 That is correct, and we said, "Yes, but  
19 suppose a witness dies and they try  
20 to introduce this as evidence on  
21 trial of the case?" They said, "Oh,  
22 no, you will be able to object on  
23 whatever legal ground you have."

24 THE COURT:

25 Is that in the transcript?

Reference copy, JFK Collection: ESCA (RG 233)

522

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NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 MR. DYMOND:

2 That is in the transcript, yes.

3 MR. WILLIAM WEGMANN:

4 I think you have got to read the  
5 transcript.

6 THE COURT:

7 I will have to read it.

8 MR. DYMOND:

9 There is no other way out.

10 THE COURT:

11 Can you pinpoint the section? I don't  
12 have a transcript.

13 MR. DYMOND:

14 We can find that section without any  
15 trouble, yes.

16 THE COURT:

17 Does the State have an extra copy, or is  
18 the transcript in the Clerk's Office?

19 MR. ALCOCK:

20 Your Honor, I would like to point out to  
21 the Court perhaps my appreciation  
22 of what transpired at the preliminary  
23 hearing is different from Defense  
24 Counsel's -- perhaps it is -- but I  
25 remember I had long and strenuously

523

RELEASED PER P.L. 102-526 (JFK ACT)  
NARA 21 DATE 11/23/93

Reference copy, JFK Collection: HSCA (RG 233)

1 argued the point that hearsay was  
2 admissible in a preliminary hearing  
3 because there we were only deciding  
4 whether or not there was probable  
5 cause --

6 MR. DYMOND:

7 That is correct.

8 MR. ALCOCK:

9 -- and I analogized this to be probable  
10 cause on a search warrant and a  
11 motion to suppress. However, I was  
12 overruled, hearsay was excluded.  
13 The only conversations that were ad-  
14 mitted was after the Court deemed  
15 that we had prima-faciely proved a  
16 conspiracy, and I can point that out  
17 to the Court in the transcript, be-  
18 cause I know I argued that point  
19 long and loud and lost it.

20 MR. DYMOND:

21 Your Honor, I don't think there is any  
22 point in Mr. Alcock and me standing  
23 here arguing what is in the tran-  
24 script when we can look at it and  
25 see what is in it.

RELEASED PER P.L. 102-628 (JFK ACT)  
NARA DATE 11/23/93

1 THE COURT:

2 I will get a copy somewhere, perhaps  
3 from the Clerk's Office. I would  
4 like for you, if you can, to cite  
5 me the particular pages.

6 MR. DYMOND:

7 Given a few minutes I am sure we can.

8 MR. WILLIAM WEGMANN:

9 I believe if you will read Dr. Chetta's  
10 testimony you will find the citation  
11 of the Court's authorities and every  
12 thing else in there.

13 THE COURT:

14 What is this evidence --

15 MR. WEGMANN:

16 I have a copy of the Law Review article  
17 which is underlined.

18 MR. OSER:

19 My questions to Dr. Chetta were based on  
20 hypothetical questions and not what  
21 Russo told Dr. Chetta. There is no  
22 testimony in there by Dr. Chetta as  
23 to what Russo told him. His answers  
24 were to my hypothetical questions to  
25 the expert, Dr. Chetta, at the time,

Reference copy, JFK Collection: RSCA (RG 233)

RELEASED PER P.L. 102-626 (JFK ACT)  
NARA 71 DATE 2-3-93

1 not what Mr. Dymond said.  
2 THE COURT:  
3 I understood you wanted to read the  
4 entire testimony of Dr. Chetta to  
5 the Jury?  
6 MR. DYMOND:  
7 Correct.  
8 THE COURT:  
9 I understand the State wishes to read  
10 the entire --  
11 MR. OSER:  
12 But all my questions were propounded on  
13 the basis of hypothetical questions.  
14 THE COURT:  
15 I will tell you what I think. The sugges-  
16 tion by Mr. Dymond probably is a  
17 solution to the problem we have now,  
18 I would think. I will take the testi-  
19 mony and also this exhibit you have.  
20 Do you have anything? You submitted  
21 me two citations, Mr. Oser. Do you  
22 have a brief on them or a memorandum  
23 on them?  
24 MR. OSER:  
25 The Esposito case, Your Honor, is covered

Reference copy, JFK Collection: ESCA (RG 233)

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NARA DATE 11/28/93

Reference copy, JFK Collection: ESQA (RG 233)

1 in the Temple Law Quarterly.

2 THE COURT:

3 Which is what you have?

4 MR. WILLIAM WEGMANN:

5 If we are going to argue it tomorrow  
6 morning, I would like to have a  
7 copy of it so we can review it.

8 MR. DYMOND:

9 Do you want to make a copy for the Court?

10 THE COURT:

11 We will make a couple of copies. Have a  
12 couple of copies made. We will get  
13 it in the next ten minutes.

14 Do you have any other witnesses you want  
15 to put on now?

16 MR. ALCOCK:

17 No, Your Honor.

18 THE COURT:

19 All right. I will recess until tomorrow  
20 morning, and I will read the  
21 transcript plus the authorities,  
22 and when we get here tomorrow morn-  
23 ing, I will permit both sides to be  
24 heard in argument on it. Now, we  
25 are only contending about the testi-

RELEASED PER P.L. 108-686 (JFK ACT)  
NARA DATE 11/23/93

Reference copy, JFK Collection: ESCA (RG 233)

1 mony of Dr. Chetta?

2 MR. WILLIAM WEGMANN:

3 Well, the argument about the hearsay  
4 that Mr. Alcock points out was  
5 originally made -- if you wait a  
6 second I can tell you where, because  
7 there is a long colloquy that went  
8 on. I believe, Judge, if you will  
9 read the very beginning of Perry  
10 Raymond Russo's testimony, which  
11 begins at Page 20, you will find  
12 the colloquy between Alcock --

13 MR. ALCOCK:

14 You will find the answer on Page 41.

15 MR. WILLIAM WEGMANN:

16 You will find eventually what was done,  
17 but you will find what took place in  
18 the comments of the three-judge  
19 court.

20 THE COURT:

21 To Page 41?

22 MR. WEGMANN:

23 I don't say it ends there, Judge. I am  
24 afraid it is a long night of reading.

25 THE COURT:

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA 21 DATE 11/21/93

Reference copy, JFK Collection: ESCA (RG 233)

1                   Where is Dr. Chetta's testimony?  
2       MR. DYMOND:  
3                   It is indexed.  
4       THE COURT:  
5                   All right. Do you have more than one  
6                   copy of it, Mr. Oser?  
7       MR. OSER:  
8                   No, sir.  
9       THE COURT:  
10                  It would be in Judge Bagert's Court.  
11                  Could you let me have your copy  
12                  overnight? I will let you have it  
13                  back tomorrow morning.  
14       MR. OSER:  
15                  Yes, sir (handing document to the Court).  
16       THE COURT:  
17                  All right. Bring the Jury down. I am  
18                  going to have to tell them we are  
19                  adjourning for the night.  
20                  (Whereupon, the Jury returned to  
21                  the courtroom.)  
22       THE COURT:  
23                  Gentlemen of the Jury, a legal point has  
24                  come up that has to be researched by  
25                  myself tonight, I have to refer to



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NARA *SP* DATE *11/23/93*

1 the transcript that was made of a  
2 preliminary hearing in the matter.  
3 Rather than keep you gentlemen up  
4 there, it is 5:00 o'clock now and  
5 we are sending for the agents to  
6 take you back to the motel. Do not  
7 discuss the case among yourselves  
8 or with any other person.

9 Mr. Shaw, you will be released on your  
10 same bond, and Court will be ad-  
11 journed until tomorrow morning at  
12 9:00 o'clock.

13  
14 . . . . Thereupon, at 5:00 o'clock p.m.,  
15 the proceedings herein were adjourned to  
16 Wednesday, February 12, 1969 at 9:00  
17 o'clock a.m. . . . .  
18  
19  
20  
21  
22  
23  
24  
25

Reference copy, JFK Collection: HSCA (RG 233)

Date:08/13/93  
Page:1

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.....  
STATE OF LOUISIANA  
VERSUS  
CLAY L. SHAW  
.....

198-059

1426(30)

SECTION "C"

PROCEEDINGS IN OPEN COURT,  
MORNING, FEBRUARY 12, 1969

Paul Williams,  
Reporter

(See page 38, typed instructions on blue sheet -  
document to be obtained and verified.)

B E F O R E : THE HONORABLE EDWARD A. HAGGERTY, JR.,  
JUDGE, SECTION "C"

Dietrich & Pickett, Inc.  
Stenotypists

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130-522-3111

1 MR. WILLIAM WEGMANN: 2

2 Are we going to argue this in the 3  
3 presence of the Jury, or what? We  
4 are not going to argue this in the  
5 presence of the Jury?

6 THE COURT:

7 Tell them to stay upstairs.

8 I notice in the Clerk's records they  
9 did not have a copy of the trans-  
10 cript, they searched for it yesterday  
11 and this morning, no copy of it in  
12 the record itself.

13 The offer, the offer has been made, as  
14 I understand it, by the State to  
15 which the Defense has opposed.

16 I will listen to the opposition and I  
17 will listen to you, Mr. Alcock.

18 MR. WILLIAM WEGMANN:

19 We gave the Court last night the Law  
20 Review article which is the basis  
21 upon which the State believe it is  
22 permissible under the Esposito case,  
23 and as the Court observed is a New  
24 York City case. We rely on the  
25 case of Lindsey vs. The United States

1 of America which is cited in 3

2 237 F.2d 893, it is an opinion out  
3 of the Ninth Circuit Court of  
4 Appeals, May 7, 1956.

5 In this particular case, there are very  
6 pertinent observations with relevance  
7 to the use of sodium-pentothal and  
8 with relation to the admissibility  
9 of the results of the sodium-  
10 pentothal tests into evidence, and  
11 in this particular case the Court  
12 of Appeals reversed the trial judge  
13 who had admitted the results into  
14 evidence.

15 Now, at the very outset, and I won't be  
16 long, but at the outset I think we  
17 ought to point out what the State  
18 is trying to do by putting into  
19 evidence the testimony of Dr. Chetta  
20 which is some seventy-five or eighty  
21 pages in all, is to put into evi-  
22 dence, in the record, indirectly  
23 what this case definitely says it  
24 cannot do and for which there is no  
25 authority in law.

Date: 08/13/93

1                   What the State in effect attempting to                   4  
2                   do is to rehabilitate Perry Russo,  
3                   this is the sole purpose that I  
4                   can see upon which they can even  
5                   state that Dr. Chetta's testimony  
6                   is admissible, and what Dr. Chetta's  
7                   testimony consists of is a series  
8                   of hypothetical questions asking  
9                   whether if certain facts existed,  
10                  whether that individual was sane,  
11                  and it also goes into the fact that  
12                  he had administered sodium-pentothal  
13                  to Russo and that he had been present  
14                  at the Russo hypnotic session with  
15                  Dr. Fatter, so the only conclusion  
16                  I can draw is they are trying to  
17                  show the man is not insane and he  
18                  is sane.

19               Now, without reading the whole case to  
20               the Court, I would like to read  
21               just sections which I think set  
22               forth the situation which existed  
23               in the case. I quote, "Here the  
24               Government's witness was subjected  
25               to psychiatric examination for the

1 avowed purpose of determining 5  
2 whether the story originally told  
3 the authorities was the truth.  
4 Obvious motive existed then to  
5 repeat that story. So if the  
6 original story were indeed a fabri-  
7 cation, it would be unreasonable  
8 to hold that motive did not exist  
9 to fabricate during the test insofar  
10 as will could assert itself."

11 It goes on to say, "In order to accept  
12 the Government's view, we must be  
13 able to say affirmatively that the  
14 sodium-pentothal interview is a  
15 test of truthfulness that is not  
16 only trustworthy, but reliably so  
17 in all cases."

18 It goes on, "Although Narco analysis in  
19 general, and the sodium-pentothal  
20 interview in particular, may be a  
21 useful tool in the psychiatric  
22 examination of an individual, the  
23 Courts have not generally recognized  
24 the trustworthiness and reliability  
25 of such tests as being sufficiently

1 well established to accord the  
2 results the status of competent  
3 evidence."

4 Then it goes on to say that, "The  
5 expected effect of the drug is to  
6 dispel inhibitions so the subject  
7 will talk freely, but it seems  
8 scientific tests reveal that people  
9 thus prompted to speak freely do not  
10 always tell the truth."

11 They cite a series of medical journals  
12 in support of this opinion that  
13 people who undergo this test do not  
14 always tell the truth.

15 It then states rather extensively from a  
16 Yale Medical School article which  
17 appeared in the Yale Law Review,  
18 and it says, "In summary, experi-  
19 mental and clinical findings indicate  
20 that only individuals who have  
21 conscious and unconscious reasons  
22 for doing so are inclined to confess  
23 and yield to interrogation under  
24 drug influence. On the other hand,  
25 some are able to withhold infor-



Reference copy, JRM

1 mation and some, especially  
2 character neurotics, are able to  
3 lie. Others are so suggestable  
4 they will describe, in response to  
5 suggestive questioning, behavior  
6 which never in fact occurred."

7 Now, this is one of our objections, every  
8 time that we have asked to review  
9 anything the State has said as they  
10 have, for instance, in the case of  
11 the VIP book, they want their agent  
12 present, and this is something they  
13 insist on, and our point is that  
14 they have rehabilitated the witness  
15 when nobody from the Defense was  
16 present, despite the fact the  
17 Defendant at this time had been  
18 arrested, the Defendant was arrested  
19 March 1, the tests took place after  
20 March 1, and they knew who Clay  
21 Shaw was, the Defense was not given  
22 an opportunity to be present at the  
23 rehabilitation tests.

24 The only one who submitted questions,  
25 the only one who did the suggesting

Reference copy, JFN Colson

1 to these people were representatives 8  
2 of the District Attorney's office,  
3 and I think it is significant to  
4 this Court that the District  
5 Attorney's office saw fit within a  
6 week after they first met this  
7 witness to attempt to rehabilitate  
8 him.

9 In other words, they were rehabilitating  
10 him before they even put him on the  
11 witness stand, and it goes on to  
12 say, "but drugs are not 'truth  
13 sera, they lessen inhibitions to  
14 verbalization and stimulate un-  
15 repressed expression not only of  
16 fact but of fancy and suggestion  
17 as well. Thus the material pro-  
18 duced is not truth in the sense  
19 that it conforms to empirical fact."  
20 They cite various Law Review  
21 articles again.

22 Then it cites in Article -- in the 46th  
23 J. Crim. L., page 259, it says,  
24 "The intravenous injection of a  
25 drug by a physician in a hospital

Reference copy, JPK 001000

1 may appear more scientific than 9  
2 the drinking of large amounts of  
3 bourbon in a tavern, but the end  
4 result displayed in the subject's  
5 speech may be no more reliable."

6 It goes on to say, "Hence it was error  
7 to admit the recording of the sodium-  
8 pentothal interview, even as a prior  
9 consistent statement for the limited  
10 purpose of rehabilitating the  
11 impeached witness."

12 "Authorities who recommended use of the  
13 sodium-pentothal interview as an  
14 auxiliary procedure to full  
15 psychiatric examination, nevertheless  
16 caution that a transcript of the  
17 interview should definitely not be  
18 admissible in evidence, because of  
19 the difficulty that a lay jury would  
20 have in properly evaluating this  
21 evidence." This is the problem  
22 that we have there.

23 Now, one of the things that is continually  
24 before us in the preliminary hearing,  
25 and once again the Court has not

1 had the benefit of reading the 10  
2 transcript, but one of the things  
3 before us in the preliminary hearing  
4 was the three-judge court telling  
5 us all the time "We are three judges  
6 who are hearing this," and we argued  
7 that they were making a record that  
8 might eventually be used before a  
9 Jury. They took the opinion they  
10 were judges and they were able to  
11 make the distinction, and the Court  
12 sitting here day in and day out is  
13 much more qualified to make a  
14 hairline decision or distinction  
15 between certain facts and fantasies  
16 than is the lay jury that we have  
17 in this case.

18 THE COURT:

19 In my opinion, the only exception for  
20 hearsay is in a motion to suppress.  
21 That is the Aguilar case out of the  
22 Supreme Court. I do not believe  
23 the rules of hearsay are waived  
24 in a preliminary hearing.

25 MR. WEGMANN:

1 I believe that is true, while at one

11

2 time when you read the preliminary  
3 hearing, at one stage it appears  
4 that they sustained us on this  
5 motion, if you read it throughout  
6 you will find that they did not.

7 Judge Braniff, during Dr. Chetta's  
8 testimony the question of hearsay  
9 came up, Dr. Chetta says what Perry  
10 Russo told him on occasion, and this  
11 is what we objected to in the testi-  
12 mony.

13 As I say, I see no other argument, and I  
14 would like a chance to reply to the  
15 State. I see no other argument  
16 that they have but that they intend  
17 to prove that Dr. Chetta said that  
18 he found Mr. Russo sane at the time  
19 of his examination.

20 I lay the additional predicate that the  
21 question now before the Court is  
22 not whether Russo was sane in March  
23 of 1967, but the question before  
24 the Court is now whether he is sane  
25 on February 11, 1969, when he is

1                   testifying, a period of more than  
2                   two years later. Certainly the  
3                   Court on any kind of a psychiatric  
4                   hearing would not accept a psychi-  
5                   atric record of two years past to  
6                   determine a man's sanity at the  
7                   present time. They are not trying  
8                   to rehabilitate Russo in 1967, they  
9                   are trying to rehabilitate him today  
10                  in 1969.

12

11               THE COURT:

12                   I will be glad to hear from the State.

13               MR. OSER:

14                   It is the State's contention that the  
15                   jurisprudence on the point is that  
16                   the use of drugs such as sodium-  
17                   antothal and sodium-pentothal cannot  
18                   be used and introduced into a court  
19                   of law in order to show the truth-  
20                   fulness of the statement made by a  
21                   person, or to establish the credi-  
22                   bility of the person making the  
23                   statement; however, the State's  
24                   contention under the case of People  
25                   vs. Esposito, Mr. Wegmann referred

13

1 to, which is cited in 287 New York  
2 389, 39 N.E.2d, 925, the Court in  
3 this particular case allowed the  
4 testimony of the psychiatrist which  
5 was based on reactions and infor-  
6 mation received by the psychiatrist  
7 while the subject was under sodium-  
8 antothal to determine the question  
9 of sanity, also covered in the case  
10 was the fact that the only purpose  
11 that the testimony of the psychia-  
12 trist was given in the case was to  
13 determine the question of insanity,  
14 and not to determine the truthfulness  
15 of the statements made by the  
16 subject under the influence of the  
17 drug.

18 Furthermore, the State wishes to rely  
19 on the case of People vs. Cartier,  
20 35 Pac.2d, 114, wherein this  
21 particular case there was a question  
22 of insanity and the testimony of  
23 the psychiatrist was allowed regard-  
24 ing his sodium-antothal treatment  
25 or administration of the drug as a

1 diagnostic aid. 14

2 Now, in these particular matters before  
3 the Court today, the State is not  
4 attempting to introduce the testimony  
5 of Dr. Chetta to show the truthfulness  
6 of the statements made by the  
7 witness under sodium-pentothal, nor  
8 to establish the credibility of the  
9 witness. The State is attempting  
10 to use Dr. Chetta's testimony to  
11 show that Dr. Chetta made a determination  
12 of the question on sanity  
13 of the individual Perry Russo and  
14 that one of the diagnostic aids  
15 used by the doctor was that of  
16 sodium-pentothal, and based on the  
17 jurisprudence, Your Honor, the State  
18 feels it should be allowed to introduce  
19 this testimony only for that  
20 purpose, as it was the only purpose  
21 introduced in the preliminary hearing,  
22 and this is the State's  
23 position.

24 MR. WEGMANN:

25 The cases cited by Mr. Oser, or the case



Reference copy, JFK LOU

1 which was cited in that Law Review 15  
2 article, both of which are State  
3 cases, the case that we cite to you  
4 is a Federal Court of Appeal case,  
5 which we submit has more binding  
6 effect upon this Court than would  
7 a New York decision or a California  
8 decision.

9 Now, once again, Mr. Oser says exactly  
10 what I predicted he would say, it is  
11 a question of sanity.

12 Now, we now raise the objection of  
13 relevancy as to the relevance of  
14 Russo's sanity in 1967 as opposed  
15 to today. The State has continuously  
16 maintained that this trial is going  
17 to go on for several days. Dr.  
18 Chetta made his examination based  
19 upon an hour, less than an hour's  
20 examination of Russo despite the  
21 fact that he said one of the true  
22 tests of sodium-pentothal was to  
23 know the patient whom you were treat-  
24 ing, and he admitted, and this is a  
25 weakness in my humble opinion to

1 Dr. Chetta's, to the validity of  
2 Dr. Chetta's testimony, and we  
3 questioned him on that fact, he  
4 knew him only for less than an hour  
5 or forty-five minutes, but if they  
6 really want to know the sanity of  
7 Russo as of today, now is the time  
8 to have him psychiatrically examined  
9 and have that doctor brought in here  
10 and have him subject to cross-  
11 examination.

12 If Dr. Chetta were alive today, the  
13 testimony that is contained in this  
14 preliminary report, namely the  
15 sanity of Russo as of March 1, 1967,  
16 would not be admissible at this  
17 time because it would not be rele-  
18 vant, whether he was sane or insane  
19 when he made that statement.

20 It is not relevant, the condition of  
21 Russo in '67 is not relevant on  
22 February 12, 1969.

23 MR. ALCOCK:

24 If I might just be heard on that point.

25 I agree to some extent with Defense

16

1 Counsel that we are now talking 17  
2 about the Russo testimony in 1969;  
3 however, during the course of argu-  
4 ment and during the course of  
5 presentation in this case, Mr.  
6 Dymond announced that he will put  
7 a witness on the stand, an expert  
8 witness in the area of hypnosis, who  
9 will allegedly show that Russo's  
10 testimony was the result of sugges-  
11 tions during hypnosis, that sodium-  
12 pentothal testimony is inadmissible,  
13 and the whole question here is that  
14 at the time the tests were admin-  
15 istered to Perry Russo, that is  
16 the critical area and the critical  
17 time we are concerned about, and  
18 that is the critical time that Dr.  
19 Chetta addressed himself at that  
20 time.

21 It is not Perry Russo's testimony today,  
22 but it is during the course of these  
23 tests which Defense Counsel have  
24 announced that they will attack  
25 strongly during the course of this

18  
3/93  
trial, so this is the area and the  
time that we are concerned about,  
and the fact that Mr. Dymond brought  
out that Perry Russo had allegedly  
attempted to commit suicide, he  
asked him whether or not he had  
been under psychiatric care, and  
additionally, if you will recall,  
at this same time or within this  
same period Mr. Dymond asked Mr.  
Russo whether or not he had made a  
statement whether or not he knew  
the difference between fact and  
fantasy, and again these things  
are critical, and we wish to show  
by this testimony of Dr. Chetta,  
who saw him often during that period,  
the stability of this witness, which  
would in effect negate the arguments  
of Defense Counsel that he was  
unstable and the tests were used  
merely to buttress him up, which  
is not the case at all.

MR. WEGMANN:

First of all, it would appear to me that

19  
what we say in argument before the  
Court is not evidence before the  
Jury, what was stated by Mr. Dymond  
was stated specifically out of the  
presence of the Jury as it should  
have been.

THE COURT:

You offered two exhibits and they were  
marked for identification and he  
has not reoffered them.

MR. WEGMANN:

And the State refused to join in the  
offer, which means they are not in  
evidence, and if everything that  
you offered was considered evidence,  
it would be a wild affair.

THE COURT:

It has been marked for identification  
only.

MR. WEGMANN:

Is the Court saying at this time it is  
going to admit it into evidence?

THE COURT:

I don't know, if --

MR. WEGMANN:

What is offered by the State at this time is premature, the Court may never admit it into evidence. I would like to have a lot of things for the Court to put into evidence, but what is offered and what is admitted is two different things, and once again it gets back to whether or not this Jury is going to know the nicety of the fact that the testimony of Dr. Chetta refers to this man's condition on a specific date in 1967 as opposed to his condition in 1969.

THE COURT:

We have no transcript except the transcript of 1967.

MR. WEGMANN:

Going back to my argument, and not to be repetitious, if Dr. Chetta were here today, I would make the same objection to Dr. Chetta's testimony that

MR. ALCOCK: I am now making. Dr. Chetta's examination of 1967 is not admissible at this time. If they want to

rehabilitate the witness, they have  
to rehabilitate him with a 1969  
psychiatric examination.

21

8/13/93

THE COURT:

If you say this transcript has no legal  
effect today, then the criticism  
of the Defense as to what Dr. Fatter  
or Dr. Chetta did is not relevant  
either. That is two years ago.

MR. WEGMANN:

That is not true either, Judge, that is  
not true at all, because one of the  
things we were trying to show with  
Russo which the Court would not let  
us go into was a prior inconsistent  
statement made under hypnosis which  
was different from what he was  
testifying to, and this is entirely  
different, a prior inconsistent  
statement as opposed to a man's  
psychiatric examination, these are  
two different things.

MR. ALCOCK:

That is contrary, he announced he was  
not trying to impeach him with his

hypnotic testimony, he was trying  
to show the testimony that he gave  
in Court was the result of suggestions  
during hypnosis, and I think I am  
correct --

22

THE COURT:

On the part of the State, do you intend  
to oppose the introduction of those  
documents?

MR. ALCOCK:

I announced Dr. Fatter was going to take  
the witness stand and he would have  
an opportunity then to cross-  
examine him relative to the document  
and put their expert on the stand.

THE COURT:

You will not object to those documents  
being introduced?

MR. ALCOCK:

Not at all, but under the proper  
predicate, not with Perry Russo  
testifying.

THE COURT:

There is a question of much hearsay  
being in the record. There is no

08/13/93



question about it, it did get  
into the record, and of course that  
was ruled on by a three-judge court.

MR. DYMOND:

Who admitted it was hearsay but admitted  
it because it was a preliminary  
hearing.

THE COURT:

Well, the ball game has been played  
already.

MR. WEGMANN:

Just so that we understand the legal  
situation which exists, we challenged  
the validity of the three-judge  
court at the time that it was heard.  
We said there was no authority for  
it under law for three judges. The  
rule out here for generations in  
the whole history of Criminal Court  
has been one judge runs his section,  
and we admit it is all one big court,  
but unheard of for two, three, or

four judges to get together and say

"We are hearing this case;" and we

challenged the validity of it, we

still do. This Court on more than  
one occasion has stated this pre-  
liminary hearing did not form part  
of this record and the Court has  
refused us permission to attach  
the bills of exception that we have  
taken at one time or another because  
it did not form part of this record,  
and what the Court is now getting  
ready to do, if it is going to rule  
with the State, reverse its position  
and say yes, this preliminary hear-  
ing is part of the record. Now, I  
admit I am on the horns of a dilemma.

08/13/93  
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THE COURT:

Because Dr. Chetta is deceased, that is  
the reason.

MR. WEGMANN:

If it was not part of the proceedings  
last week, I don't see how it could  
be part of the proceedings overnight  
by osmosis this week.

THE COURT:

I consider it to be admissible.

MR. WEGMANN:

If you give me time, I can find it in  
here where the State makes the  
statement that the preliminary  
hearing was not for the purpose  
of perpetuating testimony, it is  
like a deposition, a civil deposi-  
tion, you either take it for per-  
petuation or discovery, and when  
they did it by the strange proceed-  
ings before the three judges, they  
were in effect in a discovery pro-  
ceeding as opposed to perpetuation  
of testimony.

25

MR. ALCOCK:

The State is not the Louisiana Legislature,  
the Louisiana Legislature passed  
that Act, not the State. The State's  
personal appreciation of a particular  
legal procedure is irrelevant. I  
think that is quite properly being  
done by this Court.

MR. WEGMANN:

The fact remains when you make a repre-  
sentation before a Court, you are  
making a judicial admission by which

1 you are bound, and this statement 26  
2 that I read in here is a statement  
3 by the State, a judicial position  
4 which is taken by the State.

5 THE COURT:

6 The Court --

7 MR. WEGMANN:

8 Did the Court read the part that I am  
9 talking about, about the perpetuation?  
10 There is no need for me to find it  
11 in the transcript.

12 THE COURT:

13 That point is covered in the Criminal  
14 Code, to cover any bill of discovery,  
15 pre-trial discovery.

16 MR. WEGMANN:

17 It is our position, Your Honor, that the  
18 State has taken a position at the  
19 preliminary hearing, they made a  
20 representation to these three judges  
21 it was not for the purpose of per-  
22 petuating testimony. They are doing  
23 now a flipflop and coming before  
24 this Court and saying yes, that is  
25 why we did it. It is for the reason

of perpetuating testimony, and I  
don't see how they in good faith  
can appear before this Court and  
say it was for the purpose of per-  
petuating testimony.

27

MR. ALCOCK:

I have one small point and I won't per-  
petuate this argument. I think it  
is quite obvious on its face and  
rather the statements, the rather  
ludicrous statements that the State  
is using the preliminary hearing as  
a fishing expedition. We put our  
own witnesses on, and what were we  
doing, fishing from our own wit-  
nesses? Obviously it was not a  
fishing expedition.

MR. WEGMANN:

This is Judge Bagert, Page 30, "Suppose  
this was taken by deposition in a  
civil matter, for instance. Let's  
remove it from this type of pro-  
cedure. If there was an objection  
made and the attorney propounding  
the question says I insist that my

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question be answered, who rules on  
that -- nobody, certainly the  
Reporter doesn't. Certainly this  
is a matter being taken extra  
judicially. Now, isn't that handled  
when the matter is presented to the  
Court who has to try to case before  
a Jury that they then rule on the  
admissibility of the questions and  
the testimony." Judge Bagert at  
one time was a civil lawyer, why the  
State asks for it I don't know, and  
we were under no obligation to put  
any witnesses on and we can't be  
criticized or we can't be penalized  
for not putting any witnesses on.  
They are the ones that put the wit-  
nesses on the stand, they put the  
witnesses on in their admosphere.  
We had nothing to do with the  
control of the proceeding.

THE COURT:

The whole preliminary examination was a  
useless effort because the Grand  
Jury indicted Mr. Shaw, the Grand

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08/13/93  
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Jury indicted the Defendant.

29

MR. WEGMANN:

I submit --

THE COURT:

I have heard enough argument, Gentlemen.  
Under Article 295, "The transcript of the  
testimony of a defendant who testi-  
fied at the preliminary examination  
is admissible against him upon the  
trial of the case, or, if relevant,  
in any subsequent judicial proceed-  
ing. The transcript of the testimony  
of any other witness who testified  
at the preliminary examination is  
admissible for any purpose in any  
subsequent proceeding in the case,  
on behalf of either party, if the  
Court finds that the witness is  
dead, too ill to testify, absent  
from the State, or cannot be found,  
and that the absence of the witness  
was not procured by the party offer-  
ing the testimony."

I understand that the State is offering  
these pages of the transcript

concerning Dr. Chetta's testimony --  
let's see, Pages 314 to 361, then  
361 to 381.

30

That is roughly, that is roughly sixty-  
seven pages of transcript of Dr.  
Chetta.

Now, the purpose, as I understand it as  
stated, is that they are trying to  
rebut the inferences that Perry  
Russo was undergoing psychiatric  
examination consultation care for  
some twelve to eighteen months, that  
he attempted to commit suicide, and  
from the way he answered the ques-  
tions, they were trying to give the  
impression publicly that he was not  
-- he was not completely sane.

I understand from Mr. Oser and Mr. Alcock  
that they are offering this for a  
specific purpose, they are offering  
this not to buttress the credibility  
of Mr. Russo, they are not offering  
it to show that the statements made  
were truthful or not, but the total  
substance of Dr. Chetta's testimony

08/13/93  
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is whether or not he thought with  
the aid of diagnostic psychiatric  
aid that Mr. Russo was a sane person.

31

I think that is the purpose of their  
offering, and for that limited  
purpose I am going to permit it, so  
I will permit it, and you can take  
a bill, and let's get the Jury down.

08/13/93

Now, one other thing while I have the  
floor, just a second, if there is  
no objection on the part of the  
State or Defense, and this is going  
to be read verbatim, I would make a  
request that we do not impose another  
hardship on the Court Reporter if it  
is read verbatim and you follow it,  
would you permit it to be Xeroxed  
and put into the record.

MR. WEGMANN:

I think the easiest way would be to  
furnish the Reporter with a copy  
and let him re-copy it.

THE COURT:

You have a copy to follow it, do you not?

MR. WEGMANN:

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May I ask the Court one question? So

32

2 that the record is clear, Your Honor,  
3 I would now like to ask the Court  
4 to include in its ruling whether or  
5 not -- what I understand to be the  
6 Court's ruling, the Court is now  
7 ruling that this transcript, pre-  
8 liminary hearing, is part of this  
9 proceeding?

10 THE COURT:

11 No, I am not.

12 MR. WEGMANN:

13 The Court is standing by --

14 THE COURT:

15 I am only admitting that part of Dr.  
16 Chetta because he is deceased. The  
17 whole transcript is not a part of  
18 this record, no indeed.

19 MR. WEGMANN:

20 Is the Court going to rule on the admiss-  
21 ibility of each question and the  
22 objections we made at the time, or  
23 is the --

24 THE COURT:

25 I will let him read the whole thing

1 in toto.

2 I would suggest we read the whole thing.

3 I am going to let it all go in and  
4 see what you object to. I am going  
5 to give them both sides of the  
6 picture.

7 MR. WEGMANN:

8 You are still ruling the transcript is  
9 not part of the proceeding?

10 THE COURT:

11 If he was here, I would not let that in,  
12 we would let him testify.

13 MR. DYMOND:

14 We would like to object on the grounds,  
15 first, proper predicate has not  
16 been laid for the introduction of  
17 this transcript of the testimony of  
18 the preliminary hearing.

19 THE COURT:

20 Dr. Chetta is now deceased, that was the  
21 predicate, Dr. Chetta is deceased.

22 MR. WEGMANN:

23 It is not in the record that he is  
24 deceased, Judge.

25 THE COURT:

Reference copy, J.A.

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Reference copy, JFK Collection

1 I will ask you this, Gentlemen: Can you 34  
2 tell me that you will supply me with  
3 a copy of the death certificate?  
4 MR. OSER:  
5 I will send down and get it.  
6 THE COURT:  
7 Contingent upon you presenting that to  
8 me, I will proceed with the case and  
9 I will permit you to make that offer  
10 from the Bureau of Vital Statistics  
11 of the death of Dr. Nicholas J.  
12 Chetta, Coroner.  
13 MR. DYMOND:  
14 Further on the grounds that the prelimi-  
15 nary hearing was not conducted  
16 according to the rules of evidence  
17 as set forth in our law, and it was  
18 so held by the three-judge panel,  
19 and that this Court has in the course  
20 of its ruling on the admissibility  
21 of this material, affirmatively  
22 stated that objections to particular  
23 questions contained in the trans-  
24 cript of Dr. Chetta's testimony will  
25 not be permitted, and on the further

1 ground that it is the contention of 35  
2 the Defense that the said three-judge  
3 court was illegally constituted and  
4 had no basis in law, and the further  
5 reason that the testimony of Dr.  
6 Chetta which is approximately two  
7 years old is not at this time rele-  
8 vant for the purpose of trying to  
9 refute alleged testimony or alleged  
10 questions to the effect that there  
11 was doubt or question as to the  
12 sanity of Perry Raymond Russo at  
13 the present time in view of the fact  
14 that the testimony of Dr. Chetta  
15 relates to a period some two years  
16 ago.

17 We will reserve the bill making the  
18 entire testimony up to this point,  
19 the Defense objection, the State's  
20 offering, the transcript of Dr.  
21 Chetta's preliminary hearing testi-  
22 mony, parts of the bill.

23 THE COURT:

24 Bring the Jury down.

25 Let the record show the Jury is present,

1 the Defendant is present, both 36  
2 Counsel are present.  
3 Now, let me get the status of the case  
4 as it is, as of this moment. There  
5 has been an offer made by the State  
6 to read from the transcript of  
7 testimony of Dr. Nicholas J. Chetta,  
8 based on Article 295 wherein he  
9 alleged and will prove by the offer  
10 of the death certificate from the  
11 Bureau of Vital Statistics, and the  
12 offer is made by the State not to  
13 buttress or improve the credibility  
14 of Mr. Russo, it is not to buttress  
15 or prove the truthfulness of the  
16 statements he may or may not have  
17 said, but it is merely for the  
18 purpose of contradicting the impli-  
19 cation that Perry Raymond Russo was  
20 not of sound mind.  
21 With that limited purpose, I will permit  
22 the reading of the transcript from  
23 pages 314 to 381 inclusive from the  
24 transcript, and you may take your  
25 bill of exception.

1 MR. DYMOND:

37

2 At this time we would like in the presence  
3 of the Jury to renew our objection  
4 to the Court's ruling on the grounds  
5 of relevancy and on the grounds pre-  
6 viously stated.

08/13/93  
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7 THE COURT:

8 Overruled.

9 MR. DYMOND:

10 Including in the bill of exception the  
11 Court's ruling, the Counsel for the  
12 State's offering, the transcript of  
13 Dr. Chetta's testimony, the Defense  
14 objection and the reasons given by  
15 the Court.

16 THE COURT:

17 Now, take this down, Mr. Reporter. There  
18 has been no objection, and in fact  
19 there is agreement in the request  
20 by the Court that the Court Reporter  
21 need not take down the reading of  
22 the transcript of Pages 314 to 381,  
23 but that Mr. Oser will let me have  
24 his copy and we will Xerox those  
25 pages and give it to the Court

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Date:08/13/93  
Page:1

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[R] - ITEM IS RESTRICTED



SHAW TRIAL PROCEEDINGS

000013

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

STATE OF LOUISIANA	198-059
VERSUS	1426 (30)
CLAY L. SHAW	SECTION "C"

EXCERPT OF  
PROCEEDINGS IN OPEN COURT,  
MORNING, FEBRUARY 12, 1969

Paul Williams,  
Reporter

B E F O R E : THE HONORABLE EDWARD A. HAGGERTY,  
JR., JUDGE, SECTION "C"

Dietrich & Pickett, Inc.

*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130-522-3111

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1 THE COURT:

2 It is 11:31, call your next witness.

3 MR. ALCOCK:

4 I call Andrew Sciambra.

5 ANDREW J. SCIAMBRA,

6 having been first duly sworn, was examined and  
7 testified as follows:

8 DIRECT EXAMINATION

9 BY MR. ALCOCK:

10 Q For the record, state your full name and  
11 occupation.

12 A My name is Andrew J. Sciambra, Assistant  
13 District Attorney, Parish of Orleans.

14 Q How long have you been Assistant District  
15 Attorney?

16 A Since March -- since May of 1966.

17 Q And are you an attorney at law?

18 A I am.

19 Q Mr. Sciambra, referring you to the day of  
20 February 27, 1967, did you have occasion  
21 to interview Perry Raymond Russo?

22 A February 27 or February 25?

23 Q February 25, I am sorry.

24 A Yes.

25 Q When did this interview take place?

2

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A The interview took place in Baton Rouge,  
Louisiana.

Q Were you with anyone at the time the inter-  
view was conducted?

A No, I was alone.

Q And for what reason did you go up to Baton  
Rouge on that occasion?

A Well, that morning I had received a telephone  
call from Jim Garrison, and Jim asked  
me did anyone talk to Perry Russo yet,  
and I told Mr. Garrison --

MR. WEGMANN:

Object to what someone told him.

BY MR. ALCOCK:

Q As a result of a conversation --

A As a result of my conversation with Mr.  
Garrison, I went up to Baton Rouge to  
interview Perry Russo.

Q Now, prior to that occasion, Mr. Sciambra,  
or subsequent to it, have you ever seen  
a letter allegedly addressed to the  
District Attorney's office by Mr. Russo?

A No, I never have.

Q Do you recall approximately what time the  
interview began?

42

1 A Well, as best I can recall, when I first got  
2 to Baton Rouge, Perry was not home, they  
3 had a baseball game going on, the LSU  
4 team had a practice baseball game, I  
5 believe, going on at the baseball field,  
6 and I was told that Perry was at the --

7 MR. DYMOND:

8 I object to what he was told.

9 THE WITNESS:

10 I went over to the baseball field and  
11 I saw Perry at the baseball field  
12 and he was watching Steve Dorby,  
13 who was playing for LSU at the  
14 time, and I told Perry that I was  
15 from the District Attorney's office,  
16 and I told him that I would like to  
17 interview him in regards to what I  
18 had read and what Garrison had  
19 read in New Orleans and Baton Rouge  
20 papers concerning what Dave Ferrie  
21 had told him. Perry said that,  
22 well, as a result --

23 MR. DYMOND:

24 Objection.

25 MR. WEGMANN:

43

42

Object, Judge, this is rank hearsay.

THE WITNESS:

As a result of my conversation with  
Perry, later on that afternoon,  
around 5:30 or 6:00 o'clock I  
went over to Perry's apartment at  
311 East State Street in Baton  
Rouge, Louisiana, and I began my  
interview with Perry Russo.

BY MR. ALCOCK:

Q Now, who was present in the apartment besides  
yourself and Perry Russo?

A Well, during the course of my interview with  
Perry, many people were present, coming  
in and out, actually if you know Perry  
Russo at all you know that his apartment  
is more or less like a fraternity house  
in regards to many of his friends in his  
presence.

MR. WEGMANN:

Objection, he is stating an opinion as  
to what he thinks Perry --

THE WITNESS:

There were many people in Perry's  
apartment from time to time, the

44  
48  
people were friends of Perry's.

MR. WEGMANN:

I object unless he knows of his own  
personal knowledge.

THE WITNESS:

I do know of my own personal knowledge  
these were friends of Perry and  
there were people coming in and  
out of the apartment.

BY MR. ALCOCK:

Q Approximately how long did you interview  
Perry?

A I would imagine I interviewed Perry about two  
and a half hours, give or take fifteen  
or twenty minutes.

Q On this occasion, did you take any notes?

A In the beginning of the interview I took  
very few notes. Actually I was more  
interested in names and addresses and  
telephone numbers and it was not until  
about -- I was there, I would say, an  
hour and a half to an hour and forty-  
five minutes when I took a little more  
extensive notes, in all I would say I  
took about two and a half, maybe three

45

42

1 pages of notes.

2 Q On what size pad did you take these notes?

3 A A regular legal-sized pad.

4 Q Did you have a tape recorder with you?

5 A No, I did not.

6 Q Did you tape down anything Perry Russo said?

7 A No, I did not.

8 Q At any time during the course of the inter-

9 view did you leave the room where Perry

10 was?

11 A I don't believe I did.

12 Q Do you recall his leaving the room at any

13 time?

14 A Well, he may have walked from the room that

15 we were in into the kitchen or something,

16 but I don't really remember.

17 Q What, Mr. Sciambra, were you using for your

18 writing purposes, how did you have your

19 legal pad?

20 A Well, I sat down on the chair and I put my

21 brief case on top of my legs and I put

22 the legal pad on top of the brief case,

23 I wrote like that.

24 Q During the course of your interview, Mr.

25 Sciambra, did Perry Russo identify any

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pictures?

1  
2 A During the course of our interview, Perry  
3 identified many pictures. I had about  
4 forty photographs and I showed these  
5 photographs to Perry during the course  
6 of our interview and he identified many  
7 of them as being familiar or that he  
8 thought he may have known this person  
9 or that he thought he may have known  
10 that person, and also during the course  
11 of this interview, Perry identified a  
12 picture of Lee Harvey Oswald as Leon,  
13 a person whom he had been introduced  
14 to by Dave Ferrie.

15 MR. WEGMANN:

16 I object, Your Honor, hearsay.

17 THE COURT:

18 All right, --

19 MR. DYMOND:

20 It's hearsay, we object on the grounds  
21 it is hearsay evidence.

22 THE COURT:

23 Anything that Perry Russo told him is  
24 hearsay, yes.

25 MR. ALCOCK:



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Even though Perry has testified --

THE COURT:

Yes.

MR. ALCOCK:

He can say whether or not he identified  
a picture, that is what he was  
saying, I asked him if he identified  
any pictures and he said yes.

MR. DYMOND:

If the Court please, in order to identify  
a picture you must say who that  
picture represents, that is what  
identifying a picture is, and that  
is certainly hearsay evidence.

MR. ALCOCK:

He can say out of a stack of forty  
pictures which pictures he mechan-  
ically picked out and sat aside.

THE COURT:

I think Mr. Sciambra can testify to a  
physical act done by another person  
without stating what the person said.  
It would be hearsay.

MR. WEGMANN:

If we are going to do it this way, if

Reference Copy

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we are going to permit the witness  
to do this, I think we should call  
for the production of the forty  
pictures that were there and let  
him point out the ones that he  
identified.

THE COURT:

Are you trying to tell the State how  
to run the case?

MR. WEGMANN:

No, Your Honor, but --

THE COURT:

That is what it amounts to.

MR. WEGMANN:

If he does not do it that way, it is  
hearsay.

THE WITNESS:

I did not say he identified forty  
pictures --

THE COURT:

Let me make a ruling on this. Make  
your objection again for the record.

MR. WEGMANN:

If he is going to point out the pictures  
that Mr. Russo identified, he

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1 should show us all of the pictures  
2 so we could be aware of what he  
3 chose from and what he didn't  
4 choose from. If we are going to  
5 show him specific items, you are  
6 in effect leading the witness if  
7 you are going to ask him did he  
8 choose this one and that one.

9 MR. ALCOCK:

10 That is not leading a witness, to show  
11 the witness a picture and ask  
12 whether or not on a certain  
13 occasion this man identified a  
14 picture. He could either say yes  
15 or no.

16 THE COURT:

17 The observation was that the man would  
18 have to physically state orally  
19 whether it was or was not, and  
20 the only other way was the effort  
21 you mentioned, that he mechanically  
22 separated them, which is a physical  
23 act and not verbal conversation.  
24 If your proposition is done the  
25 way you say, with these forty

m #2

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1 pictures, this man physically  
2 separating the ones that you have  
3 into evidence, then I would permit  
4 that, if it was done that way, and  
5 Mr. Wegmann's objection is that  
6 there were forty pictures, get the  
7 rest of the pictures because it is  
8 the same physical act, pick these  
9 out of the forty.

10 MR. ALCOCK:

11 Let's determine whether or not he still  
12 has them or recalls what the  
13 pictures were.

14 THE COURT:

15 That is a good idea.

16 BY MR. ALCOCK:

17 Q Do you still have the thirty or forty  
18 pictures that you have presented to  
19 Perry Russo on that occasion?

20 A In the course of the investigation we were  
21 constantly changing pictures.

22 MR. WEGMANN:

23 I ask the Court to instruct him to  
24 answer the question.

25 MR. ALCOCK:

3  
27  
19

py  
11  
in:  
news

in

orm #2

51  
He is not questioning this witness,

he will have his opportunity,

let's have an objection, not just  
start talking.

MR. WEGMANN:

I have the right to make an objection  
to the Court.

MR. ALCOCK:

Then make your objection.

MR. WEGMANN:

The objection at this time is the answer  
is not responsive to the question.

MR. ALCOCK:

That is the Court's decision to make.

MR. WEGMANN:

It is my right to make the objection to  
the Court and call it to the Court's  
attention.

THE COURT:

Say yes or no and then you can explain it.

THE WITNESS:

Yes, and let me explain. I have most  
of the pictures in the course of --

THE COURT:

The answer should have been no, you do

not have the forty.

THE WITNESS:

I do not have the complete forty, Your  
Honor.

THE COURT:

The answer is no, I do not have it, and  
you can explain.

THE WITNESS:

I don't have the exact forty pictures;  
as a matter of fact, I couldn't  
tell you the exact forty pictures  
I have but I do believe I have most  
of the pictures at that time that I  
was carrying around.

MR. ALCOCK:

It is the State's position that it is  
not necessary to have these forty  
pictures brought into Court and to  
have this witness say which one was  
separated from the stack of pictures.  
Now, yesterday Mr. Dymond cross-  
examined Perry Russo on Mr.  
Sciambra's memorandum, and this  
is exactly what we are getting  
into here now.

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1 THE COURT:

2 I am aware of that.

3 MR. DYMOND:

4 If the Court please, if a particular  
5 photograph was physically separated  
6 from other photographs, the Jury is  
7 certainly entitled to know what  
8 other photographs they were separ-  
9 ated from. I don't say this is a  
10 fact, but conceivably all forty  
11 could be the same, we don't know.

12 THE COURT:

13 I rule that Mr. Sciambra came back to  
14 the City with certain exhibits as  
15 a result of talking to Perry Russo,  
16 and I will permit you to introduce  
17 them into evidence.

18 MR. ALCOCK:

19 They have already been introduced, Your  
20 Honor.

21 MR. DYMOND:

22 To which ruling Counsel objects, reserves  
23 a bill, making the question, the  
24 answer, whatever photographs were  
25 exhibited and allegedly identified,

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the ruling of the Court, the  
entire record, parts of the bill.

BY MR. ALCOCK:

Q I show you two pictures which have been  
previously marked for purposes of  
identification as "S-1" and "S-3,"  
and I ask you whether or not these  
pictures were selected during the  
course of that interview.

A These pictures were selected.

Q Do you know who is depicted in "S-1" and  
"S-3"?

A Lee Harvey Oswald is depicted in "S-1,"  
and David W. Ferrie is depicted in  
"S-3."

Q Now, Mr. Sciambra, at the conclusion of  
this interview, where did you go?

A At the conclusion of my interview with  
Perry Russo in Baton Rouge, I went  
directly to Jim Garrison's house.

Q And what did you tell him without saying  
what he told you?

A I told Jim Garrison that Perry Russo told  
me during our interview in Baton Rouge  
of a meeting --



MR. WEGMANN:

This is hearsay, Your Honor.

MR. DYMOND:

He is relating hearsay.

THE COURT:

I sustain the objection.

BY MR. ALCOCK:

Q Did you inform Mr. Garrison of the contents  
of the interview?

A Yes, I did.

Q As a result of that or in conjunction with  
your duties, did you have an occasion  
shortly thereafter to see Perry Russo  
again?

A Yes, I did, the next time I saw Perry Russo  
was Monday morning, February 27.

Q And where did you see him?

A In the District Attorney's office.

Q And who was present with you at that time?

A At the time I don't know exactly who was  
present, but he came up to my office  
as a result of my phone call.

Q Did you go anywhere with him on that occasion?

A Well, at first I believe we went down to the  
Detective Bureau in order to draw a

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composite sketch of Lee Harvey Oswald,  
and then from there we went back up to  
the District Attorney's office, contacted  
Detective Jano in an effort to get the  
beard of Lee Harvey Oswald properly  
drawn on the photograph.

Q And other than those activities, did you have  
any other contact with Perry Russo on  
that day?

A After that Al Oser and myself took Perry  
Russo to Dr. Nicholas Chetta's office  
on Bienville Street, I believe it was,  
and from there we took Perry Russo over  
to the Mercy Hospital and he was put  
under sodium-pentothal.

Q Were you present during the interview on the  
sodium-pentothal?

A Yes, I was.

Q Was there a stenographer taking down what  
was said during the interview?

A No, Al Oser was taking down notes.

Q Subsequent to this interview, did you or Mr.  
Oser ever put Mr. Oser's notes to a  
memorandum or a writing?

A The first thing that we did Tuesday morning,

57

the first thing I did Tuesday morning was contact Lorraine Schuler, Jim Garrison's personal secretary, and we went in Mr. Garrison's office and Al Oser and myself dictated the memorandum concerning the sodium-pentothal interview with Perry Russo.

Q Now, going back to your original interview with Perry Russo, Mr. Sciambra, did you have occasion at any time to commit that interview to writing, in memorandum form?

A Monday morning, the 27th, the first thing I did when I got in the DA's around 9:00 o'clock, I picked up the telephone and I called Perry Russo's place of employment in Baton Rouge, Louisiana, which was an insurance company, and Perry Russo was not in at the time, so I left a message with his boss to have Perry call me when he did come in, and subsequent to that I contacted a secretary in the DA's office and got her into my office and began dictating a memorandum of my interview with Perry Russo on the 25th. I had dictated about one paragraph

Reference copy, JFK Collection

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of that memorandum when the telephone rang, it was Perry Russo.

Q You can't say what he said.

A No, I told Perry Russo to come on down here, that Jim Garrison wanted to talk to him, and as a result of what he told me, I was waiting for Perry to get in New Orleans about an hour and a half after I talked to him, and I did not finish the memorandum at that time. I finished only dictating about one paragraph of the memorandum, which was begun on the morning of February 27.

Q Now, I am going to show you, Mr. Sciambra, that which has been introduced into evidence and marked "S and D-20," which purports to be a memorandum prepared by yourself, and I ask if you can identify it.

A Yes, I can identify this memorandum. This is a memorandum that I started to dictate on the morning of February 27 before I had received the phone call from Perry Russo and which was completed about seven to ten days later.

Reference copy, JFK Collection: HSCA (RG 226)

59

1 Q Mr. Sciambra, which memorandum was completed  
2 first, the memorandum that you have  
3 just identified or the memorandum that  
4 you and Mr. Oser dictated the morning  
5 after the sodium-pentothal administration?

6 A The first memorandum that was dictated and  
7 completed first was the memorandum that  
8 Mr. Oser and I dictated Tuesday morning  
9 to Miss Lorraine Schuler, the memorandum  
10 that Mr. Dymond has labeled as the  
11 Sciambra Memorandum was not finished  
12 until ten days, seven to ten days after  
13 the sodium-pentothal memorandum.

14 Q Mr. Sciambra, can you recall how many dic-  
15 tation sessions you had in total or  
16 what was required in total for you to  
17 complete the memorandum, "S and D 20"?

18 A You are referring to what Mr. --

19 Q The Sciambra Memorandum.

20 A I would say it took anywhere from four to  
21 five sessions to complete that memorandum.  
22 You see, the way I dictated that memoran-  
23 dum, there were so many things going on  
24 at the time that whenever I would get  
25 a chance to dictate on the memorandum

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and whenever the secretary had a chance to receive the dictation, I would call her to my office and would dictate bits and pieces of the memorandum.

Q Now, Mr. Sciambra, does that memorandum reflect all that Perry Russo told you on the 25th of February?

A It does not. That memorandum was hastily done, it was incomplete, it was inaccurate, there were omissions in it, and it does not reflect what Perry Russo told me during my first interview in Baton Rouge on February 25.

Q And does the memorandum that you prepared along with Mr. Oser on the 27th accurately reflect the interview at Mercy Hospital?

A The sodium-pentothal memorandum, which was the first memorandum that I dictated, reflects the most important thing that Perry Russo told me during our interview on February 25th in Baton Rouge, namely of a meeting.

MR. DYMOND:

I object to what Perry Russo told him.

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MR. WEGMANN:

He is violating the basic rule of  
testimony.

THE WITNESS:

That is your opinion.

THE COURT:

Don't answer the attorney back. You are  
a witness at this stage, please  
check yourself and make sure you  
don't tell us what he told you.

MR. ALCOCK:

I will make him a copy. It is almost  
lunch, Your Honor, if they want  
to peruse it during lunch.

THE COURT:

Here is what we will do, Gentlemen, if  
you wish. It is five minutes to  
twelve. You can get a copy Xeroxed  
and you can have it during recess.  
Gentlemen, do not discuss the case with  
one another or any other persons.  
We will now be in recess for lunch.  
Let everybody have a seat until the Jury  
leaves.

We will be in recess until 1:30.

IDENTIFICATION FORM

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RECORD NUMBER : 180-10097-10194

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2014

CRIMINAL DISTRICT COURT  
PARISH OF ORLEANS  
STATE OF LOUISIANA

.....	.	
STATE OF LOUISIANA	.	198-059
VERSUS	.	1426 (30)
CLAY L. SHAW	.	SECTION "C"
.....	.	

EXCERPT OF  
PROCEEDINGS IN OPEN COURT,  
AFTERNOON, FEBRUARY 12, 1969

Charles A. Neyrey,  
Reporter

*Testimony of Andrew Sciambr*

B E F O R E : THE HONORABLE EDWARD A. HAGGERTY,  
JR., JUDGE, SECTION "C"

Dietrich & Pickett, Inc.  
*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130-522-3111

Reference copy, JFK Collection: HSCA (RG 233)

1 WEDNESDAY,

2 FEBRUARY 12, 1969

3  
4 THE COURT RECONVENED AT 1:30 o'clock p.m.

5 ....oOo....

6  
7 ANDREW J. SCIAMBRA,  
8 recalled to the witness stand, continued to  
9 testify as follows:

10 THE COURT:

11 Is the State and Defense ready to  
12 proceed?

13 MESSRS. DYMOND & ALCOCK:

14 Yes.

15 THE COURT:

16 Mr. Sciambra, your oath is still  
17 binding.

18 MR. ALCOCK:

19 Your Honor, I believe the postulate  
20 of the case is that Defense  
21 Counsel could view S-25, and  
22 I will now let the witness look  
23 at it and see if he recognizes  
24 it without saying what it is.

25 THE WITNESS:

Reference copy, JFK Collection: ESCA (RG 233)

1 I do.

2 BY MR. ALCOCK:

3 Q Mr. Sciambra, is this the memorandum  
4 prepared by yourself and Mr. Oser?

5 MR. WILLIAM WEGMANN:

6 I object to him leading the witness.

7 THE COURT:

8 You are leading the witness.

9 MR. ALCOCK:

10 I will rephrase the question.

11 BY MR. ALCOCK:

12 Q What does this memorandum represent to  
13 you?

14 A This is the first memorandum that Mr. Oser  
15 and I dictated.

16 Q Do you recall what day that was you dic-  
17 tated the memorandum?

18 A February 28.

19 Q Now without going into the context of the  
20 memorandum what area or what inter-  
21 view were you allegedly covering when  
22 you dictated this memorandum?

23 A I was covering my first interview with  
24 Perry, parts of it.

25 Q When was that?

Reference copy, JFK Collection: ESEA (NG 455)

1 A In Baton Rouge on February 25.  
2 Q Referring to S-25, the memorandum shown  
3 you?  
4 A I was referring to the sodium pentathol  
5 interview with Perry which was also  
6 on February 27.  
7 Q Were you present during the administration  
8 to Perry Russo of sodium pentathol?  
9 A Yes, sir.  
10 Q Were you present the entire time?  
11 A Yes.  
12 Q Were you taking notes during the inter-  
13 view?  
14 A Not me, no.  
15 Q Was Mr. Oser to your knowledge?  
16 A He was.  
17 Q And did you have occasion subsequent to  
18 then to dictate a memorandum in con-  
19 junction with Mr. Oser relative to  
20 what transpired at the sodium penta-  
21 thol interview?  
22 A I did.  
23 Q Is that what you identify as S-25?  
24 A It is.  
25 Q Again, Mr. Sciambra, without goin'

NUB

1 the nature of the contents of the  
2 memorandum, I'm going to ask you just  
3 to quickly peruse it at this time.

4 A. (Witness complies.)

5 Q Having read the memorandum, Mr. Sciambra,  
6 do you see any errors or omissions  
7 comitted by yourself in the compila-  
8 tion of this memorandum?

9 A I do.

10 Q What would that be?

11 MR. WILLIAM WEGMANN:

12 I object, Your Honor.

13 THE COURT:

14 On what grounds?

15 MR. WEGMANN:

16 On the grounds that he is now attempt-  
17 ing to get the contents of the  
18 memorandum in the record which  
19 is hearsay.

20 MR. ALCOCK:

21 I asked him, Your Honor, I think my  
22 question was whether or not  
23 there were any errors or omis-  
24 sions committed by him and not  
25 anything said by the person

Reference copy, JFK Collection.

interviewed.

MR. WEGMANN:

You're finished?

MR. ALCOCK:

Yes.

MR. WEGMANN:

He then said "yes, I do," or "did,"  
and then I believe Mr. Alcock  
asked him what they were and  
that is the question I am ob-  
jecting to.

THE COURT:

Is not the memorandum a dictation by  
this witness?

MR. WEGMANN:

No, sir, it is not.

THE WITNESS:

It is.

MR. WEGMANN:

He testified it was dictated by both  
Oser and himself.

THE COURT:

Was it dictated by Mr. Sciambra or  
dictated both by Mr. Oser and  
Mr. Sciambra?

Reference copy, JFK Collection: HSCA (RG 233)

1 BY MR. ALCOCK:

2 Q Mr. Sciambra, were you present during the  
3 entire time either you or Mr. Oser  
4 were dictating any portion or the  
5 entire statement?

6 A I was.

7 Q And the errors or omissions you are ad-  
8 dressing yourself to would have been  
9 committed by yourself or Mr. Oser,  
10 if you can recall?

11 A By me.

12 MR. ALCOCK:

13 I still believe Your Honor, he has a  
14 right to say what the error is.

15 THE COURT:

16 I think the position is whether or  
17 not Mr. Sciambra can tell us  
18 while on the stand what he dic-  
19 tated and what errors he made  
20 without referring to anything  
21 Mr. Oser may have said.

22 MR. DYMOND:

23 If The Court please, it is our posi-  
24 tion that in order to have him  
25 testify to what the errors are

1 he would have to refer to what  
2 is in the memorandum as opposed  
3 to what was said by a witness  
4 under the influence of sodium  
5 pentathol and what a witness  
6 says under the influence of  
7 sodium pentathol is clearly in-  
8 admissible, which has been held  
9 in the case of Lindsay versus  
10 The U.S.

11 THE COURT:

12 I am familiar with that 9th Circuit  
13 case.

14 MR. DYMOND:

15 And also Knight versus State.

16 THE COURT:

17 I understand the legal position, Mr.  
18 Dymond and Mr. Wegmann is that  
19 you cannot use the results, or  
20 to rephrase it you have to have  
21 the witness and you can't have  
22 him corroborate himself.

23 MR. DYMOND:

24 That is right.

25 THE COURT:



1 That is not what we have with Mr.  
2 Sciambra. While I understand  
3 the legal status at this moment  
4 is that Mr. Alcock is asking Mr.  
5 Sciambra to state on the witness  
6 stand, either as a self-serving  
7 declaration, what he dictated.  
8 That is not hearsay as to what  
9 he did.

10 Now if after he said he dictated it  
11 and he said he made a mistake  
12 and wants to correct it, that  
13 is something else but I will not  
14 permit him to state what Mr.  
15 Oser said. If you understand.

16 MR. DYMOND:

17 In order to permit him to correct it  
18 the only way he could do that is  
19 to permit him to testify to what  
20 this witness said while under  
21 the influence of sodium penta-  
22 thol and that is the only way he  
23 could possibly correct it.

24 THE COURT:

25 I haven't read the statement.

Reference copy, JFK Collection: ESCA (RG 233)

1 MR. DYMOND:

2 It would be right in the teeth of  
3 these two decisions.

4 THE COURT:

5 May I see the statement?

6 MR. WILLIAM WEGMANN:

7 He testified this is a sodium penta-  
8 thol memorandum.

9 THE COURT:

10 I haven't seen this exhibit. You  
11 have had the benefit of seeing  
12 it and I haven't.

13 This memorandum is typed in A. J.  
14 Sciambra and the "I" in the  
15 memorandum refers to you, is  
16 that correct?

17 THE WITNESS:

18 Yes.

19 MR. ALCOCK:

20 I'm not trying to pull the wool over  
21 the Court's eyes and I will ad-  
22 mit this is the result of what  
23 transpired at the sodium penta-  
24 thol administration. Mr. Sciambra  
25 is recounting, and if I am

11

1 incorrect Mr. Sciambra can cor-  
2 rect me, but what, what Perry  
3 Russo said during the sodium  
4 pentathol interview and he's  
5 not trying to fool the Court.  
6 This is what this is.

7 MR. WILLIAM WEGMANN:

8 That is what the objection is aimed  
9 at.

10 MR. DYMOND:

11 Your Honor, I'd also like to point  
12 out those cases go into greater  
13 detail explaining why sodium  
14 pentathol evidence is inadmis-  
15 sible.

16 THE COURT:

17 I read this Temple Review and that  
18 covers the point.

19 MR. WILLIAM WEGMANN:

20 And agrees with what we are stating.

21 MR. ALCOCK:

22 Your Honor, I would like to make the  
23 statement for the record that  
24 at this time I would offer the  
25 statement in evidence and if

Reference copy, JRA 100-100000

1 the Court rules it inadmissible  
2 I think in fairness to the  
3 defendant I would like to also  
4 offer it in evidence.

5 MR. DYMOND:

6 To which exhibit we object on the  
7 grounds it is supposedly a so-  
8 dium pentathol statement.

9 MR. ALCOCK:

10 Before the Court rules on S-11 and  
11 S-12 that is marked for identi-  
12 fication purposes, did you not  
13 make the statement you used  
14 those typewritten documents to  
15 use?

16 MR. DYMOND:

17 If the Court please that is actually not  
18 a verbatim transcript. This is  
19 nothing but a statement from  
20 memorandums and from notes as  
21 to what supposedly was said by  
22 this witness while actually  
23 under sodium pentathol.

24 THE COURT:

25 The first objection is the wit

Reference copy, JFA

1 shouldn't be able to use a memo-  
2 randum prepared by him to bol-  
3 ster his testimony and that the  
4 best evidence is while he is on  
5 the witness stand.

6 MR. ALCOCK:

7 I think the Court has put its finger  
8 on the issue quite properly  
9 yesterday when we were referring  
10 to the transcript of the hyp-  
11 notic session. He was going  
12 to introduce those and attempted  
13 to do so. Yesterday his posi-  
14 tion was that he was going to  
15 allow them in evidence and allow  
16 his expert to view the questions  
17 and answer. His objection at  
18 this time is that the memorandum  
19 in essence is what Perry Russo  
20 said under sodium pentathol.

21 If it is objectionable here and in-  
22 admissible, it is equally inad-  
23 missible to introduce the  
24 transcript of the hypnotic  
25

1 session and this is what they  
2 have been arguing all along.

3 THE COURT:

4 The transcript as to what Dr. Fatter  
5 did.

6 MR. ALCOCK:

7 The exhibits marked by Defense which  
8 were the actual transcripts of  
9 the questions and answers by  
10 Mr. Perry Russo while under a  
11 hypnotic trance. If this is  
12 not admissible, that is not  
13 admissible.

14 THE COURT:

15 They have a copy of your DA file that  
16 your stenographer took in the  
17 District Attorney's office?

18 MR. ALCOCK:

19 They have a copy of the hypnotic  
20 session.

21 THE COURT:

22 And that -- do you intend to use  
23 those documents in corroboration  
24 of your own expert?

25 MR. ALCOCK:

Reference copy, JFK Collection: 100-100000

1           They haven't introduced them yet but  
2           it's certainly on the same prin-  
3           cipal.

4           MR. DYMOND:

5           But you can't make something admis-  
6           sible that is inadmissible.

7           MR. ALCOCK:

8           But I think that the opportunity  
9           should be given.

10          THE COURT:

11          Just give me a minute because I think  
12          I know the legal principle in-  
13          volved.

14          I understand that earlier this morn-  
15          ing Mr. Oser made the allegation  
16          that the testimony of Dr. Chetta  
17          was offered not to show the  
18          credibility of Perry Raymond  
19          Russo nor to show that he was  
20          speaking the truth but merely  
21          to show that Dr. Chetta gave  
22          these various tests and was  
23          present to firmly conclude that  
24          the man was sane and that was  
25          the only purpose and that is what

1 it was admitted for.

2 As I understand the status of the  
3 case you are asking Mr. Sciambra  
4 to bolster and give credence and  
5 truth to the statements made by  
6 Russo under the influence either  
7 of sodium pentathol or a hyp-  
8 notic influence.

9 MR. ALCOCK:

10 Your Honor, I feel it is also corrob-  
11 orative of the testimony of Mr.  
12 Sciambra due to the fact that  
13 the so-called Sciambra Memoran-  
14 dum was not the first memorandum  
15 and that this was the first one  
16 and that the content of this  
17 memorandum very clearly and  
18 is very crucial to the Sciambra  
19 Memorandum in this case.

20 THE COURT:

21 I think I will sustain the objection  
22 to this exhibit which cannot be  
23 received in evidence but I'll  
24 not stop the State from proceed-  
25 ing to question the witness on

Reference copy, JFK Collection: 100-44-10000



Reference copy, JFK Collection: ESOA (no)

1 what he did and what he said  
2 as that is not objectionable,  
3 that is not hearsay and I will  
4 agree with the Defense that  
5 State-25 cannot be received in  
6 evidence.

7 MR. ALCOCK:

8 Certainly I don't want the Court to  
9 commit itself in advance but I  
10 assume that the Court will as-  
11 sume the same posture when an  
12 attempt is made to have anybody  
13 testify for Defense Counsel to  
14 the exhibit he's objecting now  
15 to even if it was an exact  
16 transcript it is hearsay and it  
17 will be hearsay later on if that  
18 is the Court's ruling.

19 MR. DYMOND:

20 We can cross that bridge when we get  
21 to it.

22 THE COURT:

23 You may go into the question of prior  
24 contradictory statements. It  
25 is not a transcript of something

Reference copy, JFK Collection: ESCA (RG 233)

1                   like a stenographer, it is more  
2                   a transcript of notes.

3           MR. WILLIAM WEGMANN:

4                   I suggest we cross that when we get  
5                   to it.

6           THE COURT:

7                   I can't anticipate what will happen.  
8                   You want this back, S-25, or  
9                   Counsel has a copy?

10          MR. WILLIAM WEGMANN:

11                   He gave it to us to read at lunch  
12                   time.

13          BY MR. ALCOCK:

14          Q        Mr. Sciambra, during the course of the  
15                   sodium pentathol interview, did you  
16                   propound any questions to Perry  
17                   Russo?

18          A        I did.

19          Q        Can you tell us what questions you  
20                   propounded?

21          MR. DYMOND:

22                   We object to this. This is attempt-  
23                   ing to indirectly do what --

24          MR. ALCOCK:

25                   This is what the Court announced we

1 can do.

2 THE COURT:

3 I ruled he can state what he did but  
4 not what Perry Raymond Russo  
5 said. That is the position  
6 I've taken all morning.

7 A I asked Perry if he could tell me in more  
8 details about the meeting in Dave  
9 Ferrie's apartment between Dave  
10 Ferrie, Leon Oswald and Clem Ber-  
11 trand.

12 BY MR. ALCOCK:

13 Q You recall any other questions you pro-  
14 pounded on this occasion?

15 A Essentially I went over some or not all  
16 that we talked about in Baton Rouge.  
17 I was specifically more concerned  
18 with the meeting that took place in  
19 Dave Ferrie's apartment between Clem  
20 Bertrand, Leon Oswald and Dave  
21 Ferrie than anything else.

22 Q Mr. Sciambra, getting back to the memoran-  
23 dum identified as State & Defense  
24 20, were you in court yesterday when  
25 Mr. Russo testified?

Reference copy, JFK Collection: NSC 68001-10000

Reference copy, JFK Collection: HSCA (RG 435)

1 A Which is State & Defense 20?

2 Q That would be the so-called Sciambra  
3 Memorandum.

4 A Yes, I was.

5 Q Mr. Sciambra, did you acknowledge that  
6 the omissions and mistakes testified  
7 to yesterday were the result of your  
8 commenting on the words of Perry  
9 Russo --

10 MR. DYMOND:

11 I object as leading, the very form  
12 of it.

13 BY MR. ALCOCK:

14 Q Did you hear the testimony relative to  
15 any omissions and errors?

16 A I did.

17 Q Would those omissions or errors be the  
18 result of your work product?

19 A These omissions and errors and inaccura-  
20 cies would be the result of my trying  
21 to report in my own words what Perry  
22 Russo told me on February 25 and plus  
23 physically not as concerned with  
24 the descriptions in the second memo-  
25 randum as the first memorandum being

21

1 that the first memorandum also handled  
2 the Ferrie, the party that took place  
3 in Ferrie's apartment.

4 MR. DYMOND:

5 I object to that, Your Honor, and  
6 ask that the Jury be instructed.  
7 He is testifying to the content  
8 of the memorandum which you  
9 ruled is inadmissible.

10 MR. WEGMANN:

11 He is testifying to what Russo told  
12 him when he is therefore doing  
13 indirectly what you told him he  
14 couldn't do directly.

15 THE COURT:

16 Gentlemen, we are on a very thin  
17 line. He can testify what he put in  
18 this memorandum and give us the  
19 reasons why he did it but he  
20 cannot tell us what Russo told  
21 him and that is not hearsay and  
22 doesn't violate Article 434 on  
23 hearsay but he can't tell us  
24 what Russo said.

25 MR. DYMOND:

Reference copy, JFK Collection: HSCA (RG 233)

1 Your Honor, you say he can testify  
2 to what he put in his memoran-  
3 dum. It is the contention of  
4 this witness he can reveal what  
5 Russo told him while under  
6 sodium pentathol but he cannot  
7 testify to what he put in his  
8 memorandum because that is  
9 testifying as to what Russo told  
10 him.

11 THE COURT:

12 He can testify that he dictated the  
13 memorandum and generally what  
14 it contains but he can't testify  
15 in detail as to what Russo told  
16 him.

17 MR. DYMOND:

18 That is exactly what he is doing.

19 THE COURT:

20 Then I sustain your objection.

21 BY MR. ALCOCK:

22 Q Mr. Sciambra, when you say "first" or  
23 "second" memorandum, would you please  
24 explain to us what you mean.

25 A When I say first memorandum I am referring

Reference copy, JFK Collection: HSCA (RG 233)

1 to the memorandum pertaining to the  
2 sodium pentathol interview dictated  
3 on the morning of February 28.

4 When I say second, I am referring to  
5 the one that began that morning and  
6 ended by the arrival of Perry Russo  
7 and which was completed seven to ten  
8 days later. That memorandum is the  
9 one that Mr. Dymond has labeled the  
10 Sciambra memorandum.

11 Q Now, Mr. Sciambra, have you ever met James  
12 Phelan?

13 A I did.

14 Q Do you recall when you first met him?

15 A It was sometime around the preliminary  
16 hearing, but I don't remember exactly  
17 the date.

18 Q To your knowledge did you know that Mr.  
19 Phelan was going to interview Perry  
20 Russo in March 1967?

21 A Did I know what?

22 Q To your knowledge did you know that he  
23 was going to interview Perry Russo  
24 in March of '67?

25 A I was the person that set up the interview.

Reference copy, JFK Collection:

1 Q Were you present at any time during the  
2 course of that interview?

3 A In Baton Rouge?

4 Q In Baton Rouge.

5 A I wasn't.

6 Q Directing your attention once again to  
7 the interview with Perry Russo on the  
8 date of February 25, 1967, did you  
9 mention the name Clay Shaw?

10 A I did not mention any names of any photo-  
11 graphs that I showed Perry Russo.  
12 Whenever I interview anybody I never  
13 mention names; I just show them the  
14 photographs and if they identify that  
15 they tell me.

16 MR. ALCOCK:

17 Now, Your Honor, rather than getting  
18 into a shouting match, may I  
19 understand the Court's position  
20 that I may not ask Mr. Sciambra  
21 anything that Russo did or said  
22 at the time of this interview  
23 on February 25. Is that the  
24 Court's ruling?

25 THE COURT:



Reference copy, JFK Collection.

1 I think he can testify to a physical  
2 fact as something that happened  
3 in his presence, what happened,  
4 but he can't testify to any  
5 verbal or oral testimony, but  
6 he can testify if someone did  
7 an act, he can say he witnessed  
8 it and that he did such and such  
9 and that would not violate the  
10 hearsay rule.

11 In other words to go further: Under  
12 Article 434 hearsay evidence is  
13 inadmissible evidence except as  
14 otherwise provided in this Code,  
15 however, in State versus Morgan  
16 -- a witness may tell all that  
17 he and others did in conducting  
18 an experiment but not what others  
19 said on that occasion.

20 MR. ALCOCK:

21 I appreciate the hearsay rule but  
22 generally without going into a  
23 lengthy argument this might well  
24 be an exception for this reason,  
25 that Perry Russo was examined

Reference copy, JFK Collection: ESCA (RG 233)

1 extensively and was attempted  
2 to be impeached by Mr. Sciam-  
3 bra's memorandum and it seems  
4 to me only fair that we allow  
5 Mr. Sciambra to say what was  
6 told to him and why the errors  
7 are in the memorandum.

8 THE COURT:

9 You are bringing up a new point. In  
10 other words let me hear Mr.  
11 Alcock out on this and I will  
12 be happy to hear, I will be  
13 happy to hear your objection.

14 I think you brought up a new facet.

15 In other words, as I understand  
16 your position, your posture at  
17 this moment is that when you  
18 came up with this memorandum  
19 called roughly the Sciambra  
20 Memorandum, and you offered to  
21 introduce it as an exhibit it  
22 was joined in by the Defense as  
23 State & Defense 20, and then the  
24 Defense was permitted to minute-  
25 ly interrogate Russo as to the

Reference copy, JFK Collection: ESKA (NO 400)

1 contents of this whole memoran-  
2 dum.

3 As I take it now, Mr. Alcock, your  
4 position is that that opened  
5 the door as to what is hearsay  
6 and what is not when he cross-  
7 examined Russo and now your  
8 position is that since he opened  
9 the door you should be able to  
10 examine Mr. Sciambra on the  
11 memorandum itself.

12 MR. ALCOCK:

13 That is my position.

14 THE COURT:

15 That is a new facet and I agree with  
16 your position on that.

17 MR. DYMOND:

18 Don't we get a chance to argue?

19 THE COURT:

20 Yes.

21 MR. DYMOND:

22 If the Court please, the law specifi-  
23 cally states that when a witness  
24 in a criminal case testifies on  
25 any point that he may be

Reference copy, JFK Collection: HSCA (NO 44-38861)

1 cross-examined on anything in  
2 the entire case. Now how we  
3 can open the door, any doors  
4 by cross-examining Perry Russo  
5 on a statement or a memorandum  
6 of what he is supposed to have  
7 said at a certain time, I don't  
8 know.

9 The Code specifically sets forth,  
10 and Your Honor was about to read  
11 it, the exception to the hearsay  
12 rule and I don't think the Court  
13 will find any such exception as  
14 this urged.

15 THE COURT:

16 Mr. Dymond, I may take issue with  
17 you as to this memorandum as to  
18 when it was offered by the State  
19 I would have refused to have  
20 permitted it to be introduced  
21 but you joined in it. It would  
22 not have been part of the case  
23 if you had objected.

24 MR. DYMOND:

25 Certainly we wanted it in evidence.

Reference copy, JFK Collection: HSCA (RG 233)

1 THE COURT:

2 You wanted to use it to cross-examine  
3 Russo.

4 MR. DYMOND:

5 That is correct and it has been read  
6 to the Jury and to be used for  
7 cross-examination that does not  
8 create a new exception to the  
9 hearsay rule.

10 THE COURT:

11 Also now you have opened the door by  
12 using this memorandum for pur-  
13 poses of cross-examination and  
14 now you want to refuse the State  
15 the right to examine the man who  
16 made the statement.

17 MR. DYMOND:

18 Your Honor, it is the Court's deter-  
19 mination that we opened the door  
20 to hearsay by merely cross-  
21 examining the witness?

22 THE COURT:

23 You used the contents of the memoran-  
24 dum to cross-examine Russo and  
25 I am going to permit the State

Reference copy, JFK Collection: ESKA (KJ 400)

1 to use the contents to examine  
2 Mr. Sciambra who was the one who  
3 wrote the memorandum.  
4 Let me make my ruling.  
5 MR. WILLIAM WEGMANN:  
6 May we submit an argument --  
7 THE COURT:  
8 Certainly.  
9 MR. WEGMANN:  
10 I was just getting up. When that was  
11 put in evidence, put in evidence  
12 by the State in Direct Examina-  
13 tion and that was not put in on  
14 cross-examination of Russo, but  
15 it was put in on the Direct  
16 Examination. Another thing at  
17 this time any statement that was  
18 put in the record based on what  
19 one person would say to another  
20 person or what another person  
21 told him, that is the rankest  
22 kind of hearsay and the opposite  
23 of your ruling before lunch.  
24 THE COURT:  
25 I disagree with you. Mr. Dymond

1 counted allegedly 26 errors,  
2 where errors, omissions, excep-  
3 tions or inconsistencies  
4 occurred. Since he used the  
5 memorandum extensively to  
6 cross-examine Russo, and it was  
7 offered by the State and joined  
8 in by the Defense, you made no  
9 objection, because if you had  
10 objected I don't know what the  
11 ruling would have been but cer-  
12 tainly I don't think it would  
13 have been received in evidence  
14 without your joining in.

15 MR. WEGMANN:

16 We would like an opportunity to argue  
17 out of the presence of the Jury.

18 THE COURT:

19 My ruling has been made and you can  
20 take your bill of exception.

21 I am going to rule that you can ques-  
22 tion -- Mr. Alcock can question  
23 the witness Mr. Sciambra on the  
24 Exhibit State & Defense 20 for  
25 whatever purposes you have in

Reference copy, ...

1 that memorandum and this will  
2 overrule your objection.

3 MR. WEGMANN:

4 For purposes of clarification, is it  
5 also your ruling that Mr.  
6 Alcock may elicit statements  
7 made by Mr. Russo to Mr. Sciam-  
8 bra outside the presence of this  
9 defendant in Baton Rouge,  
10 Louisiana?

11 THE COURT:

12 No, sir. No, sir. I will have to  
13 rule as the questions are put.  
14 He would have to stay within  
15 the bounds. I don't want him  
16 testifying -- Mr. Alcock wants  
17 to question him on these errors,  
18 omissions, or inconsistencies.

19 MR. WEGMANN:

20 Your Honor, if I am wrong, Mr.  
21 Alcock, please correct me. It  
22 is my understanding that Mr.  
23 Alcock now wants to go into the  
24 area of what Perry Russo re-  
25 portedly told Mr. Sciambra in

Reference copy, JFK Collection: 100-104701-1000



33

Reference copy, JFK Collection: HSCA (AG 455)

1                   Baton Rouge.

2           THE COURT:

3               Let me send the Jury upstairs and I

4               will hear arguments on it and

5               I will rule.

6           (THE JURY WAS EXCLUDED FROM THE

7           COURTROOM.)

8           MR. DYMOND:

9               Your Honor --

10          THE COURT:

11           Let me hear Mr. Alcock first and then

12           I'll be glad to hear your part.

13          MR. ALCOCK:

14           Your Honor, what I was attempting to

15           do, as Mr. Dymond stating during

16           his examination there were some

17           26 errors or omissions and at

18           one point he even asked whether

19           or not there was anything cor-

20           rect in the memorandum.

21           It is my position that Mr. Sciambra

22           should be able to go down the

23           memorandum and explain how the

24           errors found their way in the

25           memorandum. I will admit that

Reference copy, JFK Collection: 100-104881-10000

1 indirectly there might be some  
2 inferences as to what was said  
3 but I think it's only fair that  
4 Mr. Sciambra be given an oppor-  
5 tunity to explain how these  
6 errors crept in, if they were  
7 omissions or errors.

8 We have the Jury to understand at  
9 this junction that the memoran-  
10 dum is fraught with errors and  
11 I think this man should be able  
12 to be given an opportunity to  
13 correct that.

14 MR. WEGMANN:

15 If the Court please, within the  
16 bounds of legality. We don't  
17 want to not allow Mr. Sciambra  
18 time to explain anything.

19 THE COURT:

20 That is what I understood.

21 MR. WEGMANN:

22 As long as the Court rules that Mr.  
23 Sciambra can be kept from tes-  
24 tifying to what Mr. Perry  
25 Raymond Russo told him.

1 THE COURT:

2 The Jury is out so we are not comment-  
3 ing on the testimony.

4 MR. WEGMANN:

5 How can Mr. Sciambra explain errors,  
6 omissions, or exceptions unless  
7 he says what Mr. Russo told him?

8 THE COURT:

9 That is exactly what he said.

10 THE WITNESS:

11 I think I can if given the opportuni-  
12 ty.

13 THE COURT:

14 If it can be done without saying --

15 MR. WEGMANN:

16 I don't think it is possible. How  
17 he could it is beyond me.

18 THE COURT:

19 This was used extensively to impeach  
20 Perry Russo and it seems again  
21 only proper for this man to  
22 testify as to how the errors  
23 got in and it would be difficult  
24 to present the same from the --  
25 but I think it ought to be that

Reference copy, JFK Collection:

1 he be given an opportunity to  
2 do so.

3 MR. ALCOCK:

4 I think there is a parallel as to  
5 when the defense calls for a  
6 police report from the State  
7 as was done in the Sbisa case.  
8 In that case they laid a pred-  
9 icate because they wanted the  
10 police reports for the primary  
11 purpose of impeaching the wit-  
12 ness.

13 As you recall in the Sbisa case,  
14 Bentley Byrnes was the attorney  
15 and he called for the police  
16 report which was fraught with  
17 hearsay as to what other people  
18 said and the whole report went  
19 in. Sometimes they would like  
20 to get the report from the  
21 District Attorney and only use  
22 that paragraph that is favorable  
23 but when the whole report is  
24 hearsay I don't think it should  
25 be permitted to be read to the

Reference copy, JFK Collection: BSCA (RG 233)

Reference copy, JFK Collection:

1 Jury but that is exactly what  
2 happened.

3 Then he started to interview him,  
4 you joined in and made it  
5 State and Defense 20 and you  
6 read it to the Jury and you mean  
7 to tell me that it is not hear-  
8 say what he told people and  
9 what people told him. On its  
10 face isn't it fraught with  
11 hearsay?

12 MR. WILLIAM WEGMANN:

13 Your analysis as in the Sbisca case,  
14 the record was read -- I believe  
15 it is almost impossible for him  
16 to do what the Court suggests.

17 THE COURT:

18 I agree but he says he thinks he can  
19 go through the memorandum and  
20 give a reason why the errors  
21 were included in the memorandum.

22 MR. DYMOND:

23 As far as this Sciambra report or  
24 not being fraught with hearsay,  
25 I think Your Honor is overlooking

Reference copy, JFK Collection: HSCA (RG 226)

1 the fact that when it was in-  
2 troduced the person that was  
3 giving this information was on  
4 the witness stand and therefore  
5 it was not hearsay there.

6 THE COURT:

7 But it had what Mr. Sciambra said  
8 and not only what Russo said.

9 MR. WILLIAM WEGMANN:

10 Your Honor, if the State feels it can  
11 go ahead without using hearsay,  
12 without relating what Perry  
13 Russo said -- I will ask the  
14 witness to refrain from that,  
15 and we have no objections.

16 THE COURT:

17 Nowhere in criminal cases can a  
18 witness use his own statement  
19 to bolster his testimony which  
20 is the best evidence as to what  
21 he orally says and not what is  
22 written down.

23 JURY RETURNED TO OPEN COURT.

24 \*\*\* NO HIATUS HERE--TRANSCRIPT CONTINUES  
25 ON PAGE 46 \*\*\*

39-  
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NOTE: PAGES INADVERTENTLY MISNUMBERED -  
NO HIATUS HERE.

Reference copy, JFA 0000000000

Reference copy, JFK Collection: ESEA (RG 233)

1 (JURY RETURNED INTO OPEN COURT.)

2 THE COURT:

3 What is the status of the matter as  
4 of this time?

5 MR. ALCOCK:

6 The State, what the State is attempt-  
7 ing to do is have Mr. Sciambra  
8 read the memorandum not to the  
9 Jury but to himself to, to re-  
10 view it to himself and when he  
11 came upon something he thought  
12 was an error that crept into  
13 the memorandum he can explain  
14 how the error came in the  
15 memorandum and I ask that Mr.  
16 Sciambra not relate to the Jury  
17 anything that Perry Russo told  
18 him.

19 THE COURT:

20 You understand gentlemen, and you  
21 may proceed.

22 BY MR. ALCOCK:

23 Q Now I show you, Mr. Sciambra, a document  
24 which has been, an exhibit which has  
25 been marked as State and Defense 20



and ask you to read this and note any errors or omissions that you can see in that document that resulted from your own personal actions rather than what may or may not have been told you.

A On my copy I had marked the errors or inconsistencies that Mr. Dymond pointed out yesterday.

Q You have your copy with you?

A I have it in my possession and I don't know if these are all but I have twenty-six but I think it would be a lot easier to go down that memorandum and explain those inconsistencies.

Q If it would be agreeable to the Court and Defense just let him look at the memorandum and see if it is the same memorandum and if it is his memorandum.

MR. DYMOND:

No objection.

THE WITNESS:

First of all, Your Honor, to fully

Reference copy, JFK Collection: HSCA (NO 4444)

Reference copy, JFK Collection: NSUA (NS 100-100000)

1 explain and for the Jury to  
2 understand the inconsistencies  
3 and the necessity of the state-  
4 ment I think they should first  
5 be told and I should go into the  
6 detail and circumstances under  
7 which I dictated this particular  
8 memorandum.

9 THE COURT:

10 I thought you covered that before.

11 You did -- you did dictate it  
12 intermitently, not at one time  
13 and is that what you are talking  
14 about?

15 THE WITNESS:

16 Yes, sir.

17 THE COURT:

18 Okay.

19 THE WITNESS:

20 First thing, and it may not all be  
21 included and if you have a ques-  
22 tion, point it out.

23 First of all I think it was -- may I  
24 read the parts -- "He said he  
25 went to Landry's house to try to

1 locate him --

2 THE COURT:

3 What page is that on?

4 THE WITNESS:

5 Here.

6 THE COURT:

7 Okay. I see it.

8 THE WITNESS:

9 He was told, and this is referring  
10 to Russo when he went to Landry's  
11 house to try to locate him, he  
12 was told at the time by Landry's  
13 mother that Ferrie had taken  
14 Landry out of the country and  
15 she didn't know where. I be-  
16 lieve there was some objection  
17 or some inconsistency as to the  
18 reason why Perry went to  
19 Landry's home or where Ferrie  
20 had taken Landry out of the  
21 country but the essence is cor-  
22 rect.

23 Perry went to Landry's house looking  
24 for Landry.

25 MR. DYMOND:

1 We are getting into what Russo al-  
2 legedly said.

3 THE WITNESS:

4 I am pointing out the essence, I am  
5 pointing out how I described it  
6 in my own words as to what  
7 Perry told me.

8 MR. DYMOND:

9 If Your Honor please, this is the  
10 very difficulty we anticipated  
11 in trying to do this and as I  
12 said before maybe he can do it  
13 but I frankly don't see how  
14 Mr. Sciambra can explain these  
15 inconsistencies without getting  
16 into what Perry Russo told to  
17 him and that was the basis of  
18 our initial objection.

19 THE COURT:

20 I cannot by the highest stretch of  
21 legal imagination figure how he  
22 can explain these without refer-  
23 ring to what he was told.

24 MR. DYMOND:

25 I don't see how he can either, Judge.

Reference copy, JFA 001100000

1 THE COURT:

2 The only purpose you used in the memo  
3 exclusively, not exclusively but  
4 you did use it in your cross-  
5 examination of Russo.

6 MR. ALCOCK:

7 If the Court please I might also  
8 point out that Perry Russo has  
9 been on the stand and he testi-  
10 fied to what he told Sciambra.  
11 Russo pointed out each one of  
12 these things that were in error  
13 in that memorandum.

14 THE COURT:

15 Would not this be a statement made  
16 at an unsuspecting time and  
17 would corroborate the testimony  
18 of the witness?

19 MR. DYMOND:

20 But he has had an opportunity to ex-  
21 plain it and now we have this  
22 witness on the stand and we are  
23 eliciting completely hearsay  
24 testimony that somebody told me  
25 such and such and such and such.

1 MR. ALCOCK:

2 We have the situation where the man  
3 already testified, Your Honor,  
4 and that somebody told him some-  
5 thing and that person is not in  
6 the courtroom and has been sub-  
7 jected to cross-examination,  
8 this person was already sub-  
9 jected to cross-examination.

10 MR. DYMOND:

11 If the Court, had the authorities of  
12 our law intended for a situation  
13 such as this to constitute an  
14 exception to the hearsay rule  
15 it would certainly be right in  
16 the book where Your Honor was  
17 looking but you are unable to  
18 read that exception.

19 THE COURT:

20 There are many, many exceptions.

21 MR. DYMOND:

22 They are scattered throughout and  
23 you can look at all of them and  
24 you won't find this one.

25 MR. ALCOCK:

Reference copy, JFK Collection: HSCA (RG 233)

1 Your Honor, I'm just attempting to  
2 allow Mr. Sciambra to explain  
3 the nature of the errors that  
4 are in this record. I was not  
5 attempting to have him relate  
6 everything Russo told him.

7 Russo has been subjected to cross-  
8 examination. As a result of  
9 this memo joined in by Defense  
10 Counsel and us and it seems only  
11 fair and proper for this man to  
12 be allowed to explain to the Jury  
13 the nature of those errors.

14 MR. DYMOND:

15 By way of objection, we have no ob-  
16 jection to Mr. Sciambra going  
17 through this memo and referring  
18 to each error and saying that is  
19 not what Perry Russo told me.  
20 To do that we have no objection  
21 but for him to be following that  
22 with what Perry Russo told him  
23 -- Mr. Sciambra is not on trial  
24 and it is not so.

25 MR. ALCOCK:

Reference copy, JFK Collection: HSCA (RG 233)

1 I don't quite understand that.

2 THE WITNESS:

3 May I say something?

4 THE COURT:

5 You keep quiet because you've said

6 too much already.

7 Mr. Alcock, I do not recall having

8 this legal proposition presented

9 to me before but from looking

10 at the criminal law as being a

11 search for truth and not a de-

12 bating game among the lawyers

13 I am going to allow Mr. Sciambra

14 to explain and if it includes

15 hearsay in the 26 errors then I

16 will permit it and Counsel for

17 the Defense can take his bill

18 of exception each time he wants

19 and I will rule that way, that

20 Defense Counsel has opened the

21 door by cross-examining Russo

22 on the entire statement and it's

23 only fair to take the author of

24 the statement right on the law

25 when he's on the witness stand



Reference copy, JFK Collection: HSCA (RG 233)

1 and under oath to explain as to  
2 why those errors crept in that  
3 memorandum.

4 That is my ruling, and you can ob-  
5 ject each time.

6 MR. DYMOND:

7 Your Honor, I see no reason for ob-  
8 jecting each time but I can  
9 object for the whole. Probably  
10 or possibly I will object each  
11 time but first of all we would  
12 like to object to the Court's  
13 ruling, reserving a bill of ex-  
14 ception to it making the ques-  
15 tions propounded by the State  
16 and the answers given by this  
17 witness, the ruling of the  
18 Court, and the Defense's reasons  
19 for the objections together with  
20 the rest of the record up to this  
21 time parts of the bill.

22 THE COURT:

23 You may proceed, Mr. Alcock.

24 BY MR. ALCOCK:

25 Q Proceed, Mr. Sciambra.

56

Reference copy, JFK Collection: HSCA (RG 233)

1 A Starting off this again, Your Honor, as I  
2 was saying before, where I say he  
3 came, Perry went to Landry's house  
4 to try to get him and he was told at  
5 the time by Landry's mother that  
6 Ferrie had taken Landry out of the  
7 country and -- I don't remember ex-  
8 actly what Perry said was inconsis-  
9 tent or left out but the essence of  
10 that sentence is correct 'cause in my  
11 own words I was trying to get across  
12 the fact that Perry went to Landry's  
13 house looking for Landry and that  
14 Landry's mother told him that Landry  
15 was not there.

16 If she said out of the country or not, I  
17 don't know.

18 MR. WILLIAM WEGMANN:

19 We are going to object to what she  
20 said.

21 THE COURT:

22 I didn't hear.

23 THE WITNESS:

24 The essence of that sentence is cor-  
25 rect because the main point is

that Perry --

MR. WEGMANN:

We object to the witness saying what  
the main point is.

THE COURT:

Just say correct and not correct and  
make a short explanation and go  
to the next one giving your im-  
pression of what somebody told  
you is not correct.

THE WITNESS:

"After the demonstration Ferrie showed  
him and Landry five diplomas  
that --"

THE COURT:

Would you mind referring to the page  
and paragraph you are testifying  
from, Mr. Sciambra?

THE WITNESS:

Fine.

The last line after the demonstration,  
showed him and Landry five di-  
plomas and said that he had re-  
ceived his Ph.D in two of these  
subjects. That was also pointed

Reference copy, JFK Collection.

58

1 out by Russo and I don't remem-  
2 ber what the inconsistency was  
3 but I don't think it is impor-  
4 tant at any rate, anyway.

5 MR. DYMOND:

6 Your Honor, we object.

7 THE WITNESS:

8 I meant then the essence of that.

9 THE COURT:

10 Do you find that is in error -- do  
11 you have it marked off as an  
12 error?

13 MR. ALCOCK:

14 Yes, we have checked it off as an  
15 error.

16 THE COURT:

17 You see then how important it is --

18 MR. DYMOND:

19 I agree with you.

20 THE WITNESS:

21 Okay. I was explaining in my own  
22 notes the essence which was to  
23 show that Ferrie --

24 MR. DYMOND:

25 We're going into the same thing again.

Reference copy, JFK Collection: ESCA (20 444)

1 THE COURT:

2 We don't want a blow by blow descrip-  
3 tion but the essence is the way  
4 to get around it. I don't want  
5 the actual words that Perry said  
6 on that occasion.

7 MR. WILLIAM WEGMANN:

8 He is interpreting the witness.

9 MR. SCIAMBRA:

10 I am giving you what was in my mind.

11 THE COURT:

12 Don't answer back, Mr. Sciambra, as  
13 now you are a witness and not  
14 an Assistant District Attorney.

15 Gentlemen, I have ruled he can go in  
16 the statement and give his  
17 explanation, if any, give his  
18 explanation. He has to give an  
19 impression or how can he give  
20 his explanation without going  
21 into his mental faculties as to  
22 what his impression was. I  
23 don't think it is objectionable.

24 MR. DYMOND:

25 Your Honor, you're going to permit

1 him to interpret the statement  
2 and certainly that is not the  
3 function of a witness.

4 THE COURT:

5 He is reading the statements and  
6 then is interpreting them.

7 MR. ALCOCK:

8 He can interpret what he wrote. He  
9 is the author of the memorandum.

10 MR. DYMOND:

11 The best evidence is what he wrote.

12 THE COURT:

13 Yes, I agree with you, Mr. Alcock  
14 and I am going to permit him to  
15 interpret what he meant when he  
16 dictated it. If it is in error  
17 and if not he can go on to other  
18 matters marked off.

19 MR. DYMOND:

20 To which ruling Counsel for the Defense  
21 objects and reserves a bill of  
22 exception making the objection,  
23 the reasons stated, and the  
24 Court's ruling on the question  
25 of the testimony of this witness

Reference copy, JFK Collection: HSCA (RG 233)

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and all testimony up to now  
parts of the bill.

THE COURT:

This is an unusual situation where an  
Assistant District Attorney is  
in court here and the way his  
memorandum is being used and  
then when he assumes the role  
of witness then he may explain.  
I had a job as an assistant  
district attorney and I think  
he should be allowed to explain  
his errors. I think the door  
was opened when you used it for  
cross-examination. I will per-  
mit it.

You may proceed, Mr. Alcock.

BY MR. ALCOCK:

Q Mr. Sciambra?

A As I said before, Your Honor, on the top,  
I don't exactly remember what the  
inconsistency was but the purpose and  
essence of that is to show that Perry  
was --

MR. WEGMANN:

11/15/93

Your Honor, I object again and if  
this witness is allowed --

THE COURT:

I have ruled on it. How can he explain the inconsistencies if we don't know that the inconsistency is?

A (Continued) Down here at the bottom of the page, the last paragraph, "He said that Landry had told him that Ferrie used to hypnotize him and give him post-hypnotic suggestions."

THE COURT:

Where is that located?

THE WITNESS:

At the bottom of the page.

THE COURT:

I have it. I see it.

A (Continued) Now, if I remember correctly, Perry said that Landry didn't tell him that. I remember that Perry had told me that Landry had said that Ferrie had hypnotized some of them so actually the essence of that is correct if, if not a word by word



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1 Perry said battery trouble, but the  
2 essence of that is that he was having  
3 automobile trouble and it doesn't  
4 make any difference.

5 THE COURT:

6 If it was automobile trouble.

7 THE WITNESS:

8 Yes.

9 A (Continued) In the middle of the page,  
10 page 3, talking about the pronograph-  
11 ic film, "He said that he would have  
12 to get \$150.00 a roll for the film  
13 because it was pretty risky going  
14 in and out of Cuba."

15 I think there was some discrepancy in the  
16 price and I remember it as \$150.00  
17 and it may have been 149 or 100 or  
18 125 but the discrepancy is in the  
19 price. The essence --

20 THE COURT:

21 Don't go into that.

22 A (Continued) Then Russo said that "He  
23 took this film and sold it to someone  
24 who he believes eventually sold it to

" the essence was that it

Reference copy, JFK Collection: HSCA (RG 233)

1 was actually sold by Perry Russo.  
2 Perry admitted that and I have it  
3 down as an inconsistency on the sheet  
4 but it doesn't matter who brought  
5 -- who bought and who sold the film  
6 but the essence was that the film  
7 was sold and that is the essence of  
8 that sentence or sentences.

9 Further down on the page, Page 3, "He  
10 also admitted to Russo for the first  
11 time that he was a homosexual and he  
12 wanted to know if Russo would be will-  
13 ing to take the drug. Russo said  
14 that he did not care to take the  
15 drug."

16 Perry said that Ferrie never admitted he  
17 was a homosexual. The reason I may  
18 have gotten it in there in my own  
19 words is that at all times Perry was  
20 perfectly aware that Ferrie was a  
21 homosexual, and because he told me  
22 that I may have put it down that he  
23 admitted it to him and I don't know  
24 if he ever admitted it to him but the  
25 essence was that Perry was aware that

1 Ferrie was a homosexual and then fur-  
2 ther that Russo said that he did not  
3 care to take the drug.

4 I think Perry said that Ferrie never  
5 bugged him to take the drug. The  
6 essence of that sentence is that  
7 Ferrie did at least have some inter-  
8 est in other people taking drugs.

9 Further on down, "One day he and Kenny  
10 Carter, a colored boy who used to  
11 attend Loyola University and who he  
12 believes attends LSUNO, were in his  
13 apartment on Elysian Fields when  
14 Ferrie came in with two Cubans who  
15 were dressed in green fatigues."

16 Perry said that it may have been Kenny  
17 Carter or someone else but the es-  
18 sence of that sentence is correct.  
19 Ferrie came to his apartment with  
20 two Cubans to visit with him while  
21 Perry was with someone else.

22 Turning to Page 4, "Russo said --" the  
23 second paragraph -- "Russo said that  
24 he did not see Ferrie again until he  
25 went to his Louisiana Avenue Parkway

apartment with Kenny Carter looking for him." I believe the inconsistency was that Perry said he didn't know if it was Kenny Carter, and 'cause he mentioned Kenny Carter I assumed it was Kenny Carter.

At any rate the essence is that he didn't see Ferrie again until he went to Ferrie's apartment looking for him with whomever he was with.

Then he said, the next inconsistency which is a couple of lines further on down, "He," -- meaning Russo -- "He said Ferrie mentioned his name, but he can't remember it right now." Now here he was referring to the name of the roommate which was Leon, obviously Perry had to hear the name --

MR. DYMOND:

I object to this as argumentative.

THE WITNESS:

Okay.

A (Continued) If you turn to Page 7 you can see on the third line referring to Perry that the "name Leon really

1                   rings a bell," and if the name Leon  
2                   really rings a bell then he must  
3                   have --

4           MR. DYMOND:

5                   I object again.

6   A           (Continued)   The essence of that is cor-  
7                   rect; that Perry was aware of the  
8                   name Leon.

9           MR. DYMOND:

10                   We object to that again.

11          THE COURT:

12                   Strike that.

13          MR. DYMOND:

14                   I ask the Jury be instructed to dis-  
15                   regard the statement.

16          THE COURT:

17                   You are so instructed not to regard  
18                   the statement just made by the  
19                   witness.

20   A           (Continued)   He said, still on Page 4,  
21                   "He said the roommate" -- referring  
22                   to Perry -- "He said the roommate  
23                   had some sort of dirty blond hair  
24                   and a husky beard which appeared to  
25                   be a little darker than his hair."

Reference copy, JFK Collection: HSCA (RG 233)

1 The essence of that sentence is that  
2 the roommate was or had dirty blond  
3 hair and also that the beard he de-  
4 scribed it as a three to four day  
5 growth of beard, a three to four day  
6 growth of beard to me, that would  
7 be --

8 THE COURT:

9 Don't go into that.

10 THE WITNESS:

11 What he describes as a three to four  
12 day growth I describe as husky.

13 A (Continued) He described it as darker  
14 than his hair, but the main point  
15 was that the beard was different than  
16 his actual hair. The essence of that  
17 was -- my interpretation was of a  
18 three or four day growth is different  
19 than --

20 MR. WILLIAM WEGMANN:

21 I object, Your Honor.

22 THE COURT:

23 Go to the next one.

24 A (Continued) Further on down he said the  
25 roommate appeared to be cruddy and

1 Perry said he never used the word  
2 "cruddy," he used the word dirty.  
3 I used cruddy and if there is any  
4 difference --

5 MR. WILLIAM WEGMANN:

6 Where are you reading from?

7 THE WITNESS:

8 The middle of Page 4.

9 A (Continued) The next thing he said a  
10 little further on down he mentioned  
11 this, "Ferrie told him not to worry  
12 about it because he was a funny guy  
13 and didn't like to talk to anybody,  
14 all he did was sit down on the porch  
15 in the dark and think and read books  
16 all the time."

17 I don't know what the inconsistency is  
18 there but the essence of that is --

19 MR. WEGMANN:

20 I object if he doesn't even know  
21 what the inconsistency is.

22 THE WITNESS:

23 There was an inconsistency but what  
24 it was I don't know. Further  
25 on down. "Ferrie told Russo he



1                   had tried the aphrodisiac drug  
2                   on his roommate and it worked  
3                   perfectly.

4       A       (Continued)   He said he and the roommate,  
5                   meaning Ferrie and the roommate,  
6                   laid in bed naked and he, Ferrie,  
7                   gave the drug to his roommate and  
8                   that he had intercourse with Ferrie."

9       Now Perry said yesterday --

10      MR. DYMOND:

11               We object to his reiterating the  
12               testimony.

13      THE WITNESS:

14               I am pointing to inconsistencies.

15      THE COURT:

16               What is the inconsistency?

17      THE WITNESS:

18               The inconsistency was that Perry said  
19               that Ferrie never told him he had  
20               intercourse with Leon. The  
21               essence is that Ferrie and the  
22               boy lay in bed and that he gave  
23               Leon an aphrodisiac drug and  
24               whether or not Ferrie and his  
25               roommate actually had intercourse

1 was --

2 MR. DYMOND:

3 I know of no way -- in view of the  
4 fact that Russo had an oppor-  
5 tunity to explain and now I  
6 think that his legal position  
7 now is that he is refuting what  
8 Russo had to say.

9 MR. WEGMANN:

10 This is what he's doing and what  
11 he's testifying to.

12 THE COURT:

13 I'm sorry.

14 MR. DYMOND:

15 He is interpreting things into the  
16 statement that don't even ap-  
17 pear in the statement. He is  
18 reading into the statement things  
19 that are not there.

20 MR. ALCOCK:

21 As the Court pointed out originally  
22 the inconsistencies were pointed  
23 out by Russo. This is the very  
24 nature and reason for going over  
25 this now to go over the

1 inconsistencies brought out by  
2 Mr. Dymond on cross-examination  
3 of Russo. How could we get the  
4 inconsistencies in unless we  
5 say what Perry Russo said yes-  
6 terday as to what he termed  
7 inconsistencies or omissions.

8 MR. WILLIAM WEGMANN:

9 If it is Mr. Alcock's position that  
10 first of all that he never said  
11 these inconsistencies why  
12 weren't they originally brought  
13 up by Mr. Russo on Direct Exami-  
14 nation by Mr. Alcock. I admit  
15 we cross-examined on them. If  
16 it is Mr. Alcock's legal position  
17 now that he is impeaching his  
18 own witness, Perry Russo, this  
19 is entirely correct but this is  
20 not the posture he put before  
21 the Court initially.

22 THE COURT:

23 I think he is trying to have Mr.  
24 Sciambra state why he put this  
25 in his memo, he's trying to

1 explain the errors and assump-  
2 tions.

3 THE WITNESS:

4 That is correct.

5 MR. DYMOND:

6 He certainly doesn't have a right to  
7 refute Russo's testimony.

8 MR. DYMOND:

9 He is in the position of having been  
10 in this courtroom while the  
11 witness was here yesterday  
12 testifying.

13 THE COURT:

14 I checked that out under Article 371  
15 and he is an attorney and did  
16 not anticipate that he would be  
17 called.

18 MR. DYMOND:

19 We have not raised the exception be-  
20 cause of the law but by the same  
21 token because it is an exception  
22 what he says and does as a wit-  
23 ness is strictly limited and he  
24 can't violate the bridge given  
25 to him as an attorney by

1 recounting what someone said he  
2 had no right to hear except for  
3 the fact he was in the court-  
4 room.

5 MR. ALCOCK:

6 I don't know of any provision like  
7 that. It seems there's an awful  
8 lot of provisions that you're  
9 coming up with.

10 MR. DYMOND:

11 Coming under the exception of  
12 Article 371 that is the bridge.

13 THE COURT:

14 That is what he said that he is  
15 coming under the exception and  
16 I can't tell him to disabuse his  
17 mind.

18 MR. DYMOND:

19 He doesn't have to disabuse his mind  
20 but by the same token he can  
21 make -- not make statements  
22 that are not even in the memo-  
23 randum.

24 THE COURT:

25 He is in an unusual position. You

1                   may proceed and we will cross  
2                   each bridge as we get to it.

3       A       (Continued)   The last thing as to whether  
4                   or not there was an intercourse or  
5                   not --

6       MR. WEGMANN:  
7                   Where are you?

8       THE WITNESS:  
9                   Perry said yesterday --

10      MR. WEGMANN:  
11                  Where are you?

12      THE WITNESS:  
13                  Same place.

14      MR. WEGMANN:  
15                  And where is that?

16      THE WITNESS:  
17                  On Page 4 where they laid in bed  
18                          and they had intercourse, I  
19                          think Perry said the inconsis-  
20                          tency was that Ferrie never told  
21                          him he had intercourse with  
22                          Leon.

23      A       (Continued)   The essence of that sentence  
24                   was that they lay in bed naked --

25      THE COURT:

1 Don't go into that 'cause we can read  
2 that.

3 A (Continued) As a result of being in bed  
4 naked and that the intercourse was  
5 had and whether Perry said it or not  
6 I don't know.

7 MR. DYMOND:

8 Now he's going into this man opinion  
9 that from the facts and from  
10 what he heard this is what  
11 happened.

12 THE COURT:

13 I'm going to permit him to do it  
14 anyhow.

15 MR. DYMOND:

16 To which the Court, reserves a bill  
17 of exception making the objec-  
18 tion, the Court's ruling and all  
19 the testimony part of the bill.

20 THE COURT:

21 Get along with your memo.

22 A (Continued) The next inconsistency, fur-  
23 ther on down, is where "Ferrie re-  
24 peated that these Cubans who were  
25 coming to his apartment were jungle

1 fighters and would help liberate  
2 South America. I think there was an  
3 inconsistency and what Perry refers  
4 to as "South Americans," and that  
5 everything out of the country is  
6 South American to him. That was the  
7 inconsistency.

8 Next in the middle of Page 5, I can re-  
9 call that "Russo said that he re-  
10 membered once going to the Nashville  
11 Street Wharf to hear J.F.K. make a  
12 speech and he remembers that he saw  
13 a Secret Service man guarding the  
14 President every five or ten feet."

15 I think Perry said yesterday that he  
16 didn't see a Secret Service man  
17 guarding the President every five or  
18 ten feet but he said he did see  
19 Secret Service men who were not  
20 looking at the president but looking  
21 at the crowd and I put it down as  
22 every five or ten feet.

23 THE COURT:

24 You may proceed.

25 A (Continued) In essence the essence there



is correct.

THE COURT:

Don't go into the essence, you explained it.

A (Continued) Ferrie said he knew of a type of drug -- this is at the bottom of Page 5 -- "Ferrie said that he knew of a type of drug which once it got into the blood stream would cause physical reaction that would result in extensive brain damage or blood clot and eventual death." That is exactly how I remember it.

THE COURT:

Go to the next one.

A (Continued) "Russo said that in September and October of 1963 Ferrie got worse in his speeches about an assassination." That is exactly how I remember it. He said something about the correct point in September, but that's exactly the way I remember it.

MR. DYMOND:

We object to that.

THE COURT:

1 That is the way he remembered it.

2 Go on to the next one.

3 A (Continued) The next one is at the bottom  
4 of the first paragraph of Page 6  
5 where he said "Russo said that he  
6 hasn't spoken with Ferrie since the  
7 assassination." I remember Russo  
8 saying that he had seen Ferrie after  
9 the assassination but did not speak  
10 about the assassination and I put it  
11 down that Russo hadn't spoken with  
12 him since the assassination, for that  
13 reason.

14 MR. DYMOND:

15 I object, Your Honor.

16 MR. ALCOCK:

17 It was his impression and there is  
18 a difference between from seeing  
19 somebody and talking to him and  
20 why do you object to that?

21 MR. DYMOND:

22 Now he's getting ready to interpret  
23 and explain his own testimony.

24 THE COURT:

25 That is what I permitted him to do

from the very beginning.

MR. DYMOND:

He puts down one thing and his explanation is something else.

THE WITNESS:

Mainly the point I was pointing out, Your Honor, is that in my notes that were dictated concerning what Perry Russo told me I put it in my words and not Perry's words. If there is a difference in interpretation between Mr. Dymond and Mr. Russo and between me.

Actually, the essence of everything is the same.

THE COURT:

You may go to your next one.

A (Continued) A little further down "The first person he picked out was Arcacha Smith and he said that Arcacha looked very much like the Cuban in the pronographic film." That is what I remember as Perry told it to me.

1 THE COURT:

2 Go to the next one.

3 A (Continued) The next one is "He then  
4 called his brother, Steve over to  
5 look at Arcacha's picture and asked  
6 him if that face was familiar to him"  
7 and said that Steve wasn't his ac-  
8 tual brother, it was his "soul  
9 brother."

10 I left out "soul."

11 Right here a little further on down in  
12 the paragraph, "The next picture that  
13 he identified was that of Clay Shaw.  
14 He said that he saw this man twice."  
15 That is obviously wrong because he  
16 said he saw the man three times and  
17 he didn't identify him as Clay Shaw  
18 but he identified him, Clay Shaw, as  
19 Clem Bertrand.

20 THE COURT:

21 Go to the next one.

22 A (Continued) The next discrepancy was that  
23 "Shaw had on a corduroy type jacket."  
24 I think that Perry said he wasn't  
25 sure but I thought he said corduroy

1 but the point is that he had a jack-  
2 et on.

3 The next one, "The third picture that  
4 Russo identified was that of Lee  
5 Harvey Oswald." I think he said he  
6 did not identify the picture as Lee  
7 Harvey Oswald but as Leon Oswald,  
8 Leon instead of Lee, which the es-  
9 sence is he did identify the picture.  
10 Once again I point out the word "cruddy,"  
11 he said he used the word dirty and I  
12 used the word cruddy.

13 A bushy beard -- I think a three or four  
14 day growth of beard is bushy but he  
15 doesn't evidently.

16 The next discrepancy he says "Robert  
17 Lemoyne lives in the vicinity of  
18 Nichols High School as he was in  
19 contact with Ferrie around that time.  
20 I think he said he made a mistake and  
21 it wasn't Robert Landry he told me  
22 it was Robert Landry but he told me  
23 it was Robert Lemoyne.

24 MR. DYMOND:

25 The witness is now attempting to

1 correct Perry Russo's inten-  
2 tion.

3 MR. ALCOCK:

4 He said his impression is that the  
5 information is not correct.

6 MR. DYMOND:

7 He said he thinks that it was Russo  
8 made the mistake instead of  
9 saying Robert Landry and he said  
10 Robert Lemoyne is what he told  
11 him.

12 THE COURT:

13 That is for the Jury to determine.  
14 You heard Russo's testimony.

15 A (Continued) The next thing in the testi-  
16 mony, he said that "The man Leon  
17 rings a bell." "He said the name  
18 Leon really did ring a bell."

19 Also he said that "If he were hypnotized  
20 he may have total recall of names  
21 and places and dates."

22 There was a discrepancy because we had  
23 actually talked about hypnosis and  
24 Perry told me a little about hypnosis  
25 and that he was somewhat familiar

1 with it and that Ferrie had tried to  
2 hypnotize him and there was a dif-  
3 ference of opinion as to whether  
4 Ferrie was successful or not.

5 In -- because of all of that talk about  
6 total recall and Perry said he'd be  
7 willing to undergo hypnosis if we  
8 would get a qualified doctor or  
9 hypnotist. The essence is correct  
10 if not word for word.

11 MR. ALCOCK:

12 All right. I believe that covers it.

13 BY MR. ALCOCK:

14 Q All right, Mr. Sciambra, does this memo-  
15 randum represent everything that he  
16 told you?

17 A No, it doesn't. We actually talked for  
18 two and a half to three hours.

19 MR. DYMOND:

20 We are still going to object to him  
21 adding to this memorandum.

22 THE WITNESS:

23 Your Honor, I can explain my answer.

24 MR. DYMOND:

25 What, in addition to this Perry Russo

-- what Perry Russo told him?

MR. WEGMANN:

We cannot do that.

THE COURT:

He said he spoke to him for two and  
a half hours.

BY MR. ALCOCK:

Q And does, it does not represent everything  
he told you?

A It does not.

Q Mr. Sciambra, later on, specifically in  
April or May 1967 did you have occa-  
sion to talk with Perry Russo con-  
cerning James Phelan?

A Yes, I did.

Q And don't say what Perry Russo said but  
what did you tell Russo at this  
time?

A I told Perry Russo that if Phelan wanted  
to go over to his house and talk to  
him to let Phelan come over but be-  
fore he would let Phelan come over  
to let the District Attorney's office  
install bugging devices in the  
apartment and I told Perry Russo to



1           lead Phelan on to see exactly how far  
2           Phelan would go in trying to influ-  
3           ence his testimony.

4   Q       Did you personally install any equipment?

5   A       I did not personally install the taping  
6           device but I went over with a member  
7           of the District Attorney's office,  
8           I believe it was George Eckart, that  
9           installed the bugging device.

10  Q       Why did you instruct Russo --

11  A       Very simply 'cause he we were in a posi-  
12           tion --

13  MR. DYMOND:

14           I object.

15  THE COURT:

16           What was the question?

17  MR. DYMOND:

18           Why he instructed Perry Russo along  
19           those lines.

20  THE COURT:

21           I will sustain the objection.

22  THE WITNESS:

23           It was very simple.

24  MR. DYMOND:

25           I objected to it, Your Honor, and you

1                   sustained me.

2           MR. ALCOCK:

3                   Your Honor, this isn't calling for  
4                   an opinion, it is calling for  
5                   a fact from this witness as to  
6                   why he took certain actions.

7                   This isn't calling for an opinion  
8                   but an action that a witness  
9                   took.

10          THE COURT:

11                   That would be for argument. You can  
12                   explain it to the Jury as to why  
13                   it was done.

14          MR. ALCOCK:

15                   He can testify --

16          THE COURT:

17                   He can testify it was done but the  
18                   reason why can be explained in  
19                   argument.

20          MR. ALCOCK:

21                   Even though the reason is peculiar  
22                   to him?

23          THE COURT:

24                   It can be used as an argument.

25          MR. ALCOCK:

Reference copy, JFK Collection: HSCA (RG 233)

1 In any case, Your Honor -- why do you  
2 do this? Why do you step down  
3 from the step. And I step down  
4 because I want to get down.  
5 That is the reason for doing  
6 something. That is all I am  
7 asking.

8 THE COURT:

9 Let me see if I understand that --  
10 Mr. Alcock's position. In other  
11 words they wanted to take down  
12 everything that Phelan said so  
13 they could explore everything he  
14 had on his mind.

15 MR. ALCOCK:

16 That is what we are trying to elicit  
17 from the witness.

18 THE COURT:

19 Let the reason for doing anything  
20 be a fact, but the reason -- if  
21 it is an opinion or belief or  
22 suspicion, that is another thing  
23 and that is inadmissible.

24 MR. ALCOCK:

25 In an armed robbery case we ask the

1 man why did he put his hands up  
2 and the reason is the man had a  
3 gun in his back. That is ad-  
4 missible.

5 MR. DYMOND:

6 But this is not a physical fact but  
7 a mental appreciation.

8 MR. ALCOCK:

9 That he put a gun in his back is a  
10 physical fact. What if a man  
11 says "Put your hands up" with-  
12 out a gun? Why do you put your  
13 hands up? Because the man told  
14 you to put your hands up and you  
15 assume he had a gun.

16 THE COURT:

17 Go on to something else. I am not  
18 going to permit you to go into  
19 that because then we will go  
20 into the whole part of the  
21 District Attorney's office that  
22 Mr. Phelan had anything to do  
23 with it and what they thought  
24 about the case and I am cer-  
25 tainly not going to open that

1 door.

2 We'll take a short recess.

3  
4 ....oo....  
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Reference copy, JFK Collection: ESCA (RG 233)

Date:08/13/93  
Page:1

## JFK ASSASSINATION SYSTEM

## IDENTIFICATION FORM

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CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.....	.	
STATE OF LOUISIANA	.	198-059
VERSUS	.	1426 (30)
CLAY L. SHAW	.	SECTION "C"
.....	.	

EXCERPT OF  
PROCEEDINGS IN OPEN COURT,  
AFTERNOON, FEBRUARY 12, 1969

Charles A. Neyrey,  
Reporter

B E F O R E : THE HONORABLE EDWARD A. HAGGERTY,  
JR., JUDGE, SECTION "C"

Dietrich & Pickett, Inc.  
*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130-522-3111

After the recess from 2:50 o'clock p.m.  
to 3:10 o'clock p.m., the following  
took place:

P R O C E E D I N G S

THE COURT:

Is the State and Defense ready? I  
believe the witness has been  
tendered.

MR. ALCOCK:

Yes, Your Honor.

CROSS-EXAMINATION

BY MR. WILLIAM WEGMANN:

Q Now, Mr. Sciambra, for the record, you are  
the same Andrew Sciambra who has been  
participating in this case as an  
Assistant District Attorney, is that  
right?

A That is correct.

Q You have examined witnesses and have ex-  
amined prospective jurors?

A I have.

Q And you are at this time presently an  
Assistant District Attorney?

A I am.

Q And you are still actively engaged in the



trial of this case?

2 A I am.

3 Q And you were present in the courtroom  
4 during the entire time that Perry  
5 Raymond Russo testified?

6 A I was.

7 Q And you are privvy to the district at-  
8 torney's entire file?

9 A I am.

10 Q Mr. Sciambra, you testified I believe, and  
11 correct me if I am wrong, that on  
12 February 25, 1967, you interviewed  
13 Russo in Baton Rouge?

14 A That is correct.

15 Q Now when did you begin to prepare your  
16 memorandum?

17 A On the morning of February 27.

18 Q And that was a Monday morning?

19 A That was a Monday morning, correct.

20 Q What date did you completely complete the  
21 memorandum by dictation to the steno-  
22 grapher?

23 A I cannot give you the exact date but any-  
24 where from seven to ten days later.

25 MR. DYMOND:

That is a 1967 calendar.

BY MR. WEGMANN:

3 Q Now I hand you a 1967 calendar and direct  
4 your attention to the latter part of  
5 February and first part of March,  
6 1967 and can you state the day of the  
7 week in which you finally completed  
8 your memorandum?

9 A I cannot state the exact date of the week  
10 because I can't give you the exact  
11 time it took me to finish it. I can  
12 say it took me anywhere from seven to  
13 ten days and that is an approximate  
14 figure.

15 Q What would be the date of the seventh day?

16 A The day of the seventh day?

17 Q Would be March what?

18 A March 4.

19 Q Monday, March 4, is that right?

20 A It is Saturday, March 4.

21 Q In other words it may have been completed  
22 on Saturday, March 4?

23 A Possibly.

24 Q Would you and your secretaries have worked  
25 to complete the statement on Saturday?

1 A At that time we did and frequently on  
2 Saturday -- matter of fact we still  
3 do.

4 Q What would be the outside date that the  
5 memorandum was completed?

6 A Outside date, I would say somewhere around  
7 March 7 which is within seven to ten  
8 days, a seven to ten day-span.

9 Q What day of the week was that?

10 A That would have been a Tuesday.

11 Q When the report was completed, Mr. Sciambra,  
12 what did you do with it?

13 A When the report was completed I just fin-  
14 ished dictating it and went on to  
15 other things, left it to the secre-  
16 tary to type it up whenever they'd  
17 get a chance to.

18 Q When was the report physically delivered  
19 to you typed as it appears in this  
20 record?

21 A I don't remember.

22 Q Was it more than seven to ten days?

23 A It could have been.

24 Q It wasn't less than seven to ten days?

25 A I doubt if it was less than.

Q When the secretary completed the physical  
typing of it, what did she do with  
it?

MR. ALCOCK:

I object unless he knows of his own  
knowledge.

THE COURT:

If you know, Mr. Sciambra.

A I could give you the procedure, the stand-  
ard procedure in the office.

BY MR. WEGMANN:

Q I will be more specific, Mr. Sciambra:  
Was the report delivered to you or  
delivered to Mr. Garrison?

A It was delivered to both of us.

Q At the same time?

A I can't tell you that. I did receive a  
copy eventually of the report.

Q And you can't give us the approximate date  
when you received the completed re-  
port?

A I cannot.

Q Did you personally deliver a copy to  
Garrison?

A No, I did not.

Q Do you know who did?

A Of my own knowledge, no.

Q Now is it possible that you delivered the memorandum to Garrison at the NOAC, the New Orleans Athletic Club?

A I didn't.

MR. ALCOCK:

I object as I believe the witness said he did not deliver it.

BY MR. WEGMANN:

Q Did you direct anyone to deliver a copy to Garrison?

A No, I did not.

Q How do you know Garrison got a copy or is it merely an assumption on your part?

A Later on I found out he read it so I assume he got a copy.

Q When did you find out he read it?

A I can't give you the exact date.

Q Approximately how long after it was dictated.

A I have no idea.

Q Was it before or after the preliminary hearing?

MR. ALCOCK:

I object, Your Honor, as he answered  
he had no idea.

MR. SCIAMBRA:

I can give you an idea.

THE COURT:

Would you approximate it, Mr.  
Sciambra?

THE WITNESS:

If I could explain this perhaps it  
would straighten it out as re-  
gards the memorandum.

BY MR. WEGMANN:

Q You stated this morning you made a verbal  
report to Garrison on the interview  
of Russo on February 25.

A That is correct.

Q When did you make this verbal report?

A As soon as I left Perry's apartment in  
Baton Rouge.

Q You made it via long distance telephone?

A No, I got in the car and drove to  
Garrison's house.

Q Who was present?

A Just me and Jim Garrison, perhaps his wife  
was home. I don't remember.

Reference copy. Not correct.

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NARA DATE 10/15/83

Q Other than the immediate family were there  
any newspaper reporters present?

A No, nobody at all.

Q Now, Mr. Sciambra, you took notes, is that  
correct?

A I did.

Q Where are those notes today?

A Those notes were burned.

Q When did you burn those notes?

A Sometime after I completed the memorandum.

Q How long after?

A Very shortly, shortly and may I explain  
why I burned my notes?

THE COURT:

You have a perfect right to explain.

A Ever since this case began we have had  
tremendous problems in the District  
Attorney's office trying to keep  
information from flowing out of the  
district attorney's office to others.  
Not too long ago a person who works  
for a national news magazine and  
a person who is a witness for the  
Defense showed up in Clinton and  
Jackson, Louisiana with a certain

list of our witnesses trying to see  
just what they would testify to in  
this trial.

One of the persons noticed them and that  
is the reason we burned them now and  
the reason why many people in the  
district attorney's office burn their  
notes. We have been trying very un-  
successfully to prevent this informa-  
tion from getting in the hands of  
others.

BY MR. WEGMANN:

Q And hasn't it been a practice from Mr.  
Garrison's control of the office to  
show your files and other information  
to the news media?

A Absolutely not, not me.

Q Don't you know, Mr. Sciambra, that the  
Sciambra Report was shown to James  
Phelan by Mr. Garrison?

A Yes, I do know that.

Q Isn't it also a fact that there was a  
meeting at Mr. Garrison's home at  
which you were present, Mr. William  
Gervich and Mr. Jim Phelan was present



and also Mr. Garrison, where it was discussed in great detail the omission in your report of the so-called "third meeting"?

A That is exactly right. There was a meeting there and at that time I explained to Jim Phelan and I have also explained to this Court that even though the second memorandum, that Phelan insisted was the first memorandum, was incomplete; it properly reflected everything Perry told me in Baton Rouge except the meeting in Ferrie's apartment with Clem Bertrand, Lee Oswald --

Q Let me ask you this: When you went to Baton Rouge what crime were you investigating?

A Investigating a conspiracy -- at that time nobody had been charged. We were investigating the Kennedy assassination.

Q Can you show me anywhere in the Sciambra Memorandum where there is any statement by you in your seven-page

Reference copy, N.A.

memorandum with reference to the  
assassination of Kennedy?

A Indirectly on page 5, just to point out  
one thing, -- "Russo said that, that  
in the summer -- Russo said --,  
Russo said that during the summer of  
'63 Ferrie became obsessed with the  
idea that an assassination could be  
carried out in the United States very  
easily if the proper amount of plan-  
ning was made. Every time Russo  
talked to Ferrie he told him more and  
more about how he was the kind of  
person who could successfully plan an  
assassination. Russo said that he  
never referred directly to J. F. K.  
and always used the President of  
Mexico or President Eisenhower as an  
example" --

There is an indirect reference to the  
assassination of Kennedy and also  
when he mentions availability of  
escape, and also when he mentions  
about triangulation of cross-fire.

Q Where does it say triangulation of

cross-fire?

2 A It is not in this memorandum.

3 Q Excuse me?

4 A It is not in this memorandum but another  
5 thing we discussed that was omitted  
6 from this memorandum.

7 Q In other words you went to Baton Rouge to  
8 investigate the assassination of the  
9 President but there's only an indi-  
10 rect reference to Kennedy --

11 A Well --

12 Q Let me finish my question and you now  
13 mention cross-fire and you mention  
14 the possibility of exits of escape  
15 and where in this memorandum is there  
16 anything about exits?

17 A Let me explain my frame of mind.

18 Q Answer the question first and then you can  
19 explain.

20 A In regard to exits?

21 Q Yes, sir.

22 A "Ferrie said --" this is on page 5 --

23 "The whole key to a successful assas-  
24 sination would be the availability of  
25 exit and the use of the mass

Reference copy, 5-11-68

confusion that would result from  
such a plot."

Now let me further explain my answer.

Q Go on.

A When I went up to interview Perry Russo  
in Baton Rouge at that particular  
time I had read, heard, knew, of an  
interview that Perry had given to  
I believe a Baton Rouge reporter by  
the name of Bankston or Cranston.  
The article appeared in the Times-  
Picayune and also appeared in the  
Baton Rouge paper, so even before I  
talked to Perry I certainly was aware  
of the content of what he had to say  
because of what I had seen in the  
newspaper article and that Perry was  
referring to the assassination of  
President Kennedy, and Perry had  
brought out in the interview, and in  
that sense I was perfectly aware that  
Perry was discussing the assassina-  
tion of President John Kennedy.

Q So as I understand it when you went to  
Baton Rouge you had prepared yourself

or brought yourself up to date by reading Bankston's article in the Times-Picayune?

3  
4 A When I went to Baton Rouge I was con-  
5 cerned -- I was the most surprised  
6 guy in the world when Perry picked  
7 out the picture of Clay Shaw and  
8 identified him as Clem Bertrand and  
9 when he picked out the picture of Lee  
10 Harvey Oswald.

11 Q And the conspiracy meeting involving Dave  
12 Ferrie?

13 A Definitely.

14 Q And still is it a fact that you went up  
15 there and prepared yourself by read-  
16 ing Bankston's article?

17 A That is correct.

18 Q And is it a fact that you came back from  
19 Baton Rouge and yet that conspiracy  
20 meeting is not mentioned in your  
21 detailed seven-page memorandum?

22 A That is because this conspiracy meeting  
23 was taken care of in my first memoran-  
24 dum, which was the sodium pentathol  
25 memorandum and not this one which is

Reference Copy

my second memorandum, and which I considered secondary and peripheral to the most important thing that Perry told me in Baton Rouge, which was the meeting between Clem Bertrand, Leon Oswald and Dave Ferrie.

Q My question is that there is nothing in this memorandum, is there, about the third meeting?

A As I said before --

Q Answer yes or no and then explain.

A You are correct, and this memorandum which is not the first memorandum but the -- was a secondary memorandum and I was not as concerned about this at this time as I was about the first memorandum which had already been tested successfully under sodium pentathol.

Q You are telling us that this memorandum does not contain a true content of your conversation with Russo on February 25?

A I am telling you this memorandum does not contain a complete transaction or a

word by word description of the discussion between Perry and me. It is incomplete, inaccurate, there are omissions and I think I have a good reason for it.

Q In other words you admit that the memorandum is full of omissions, full of inaccuracies and is full of errors?

A Definitely.

Q When Sciambra you were shown earlier by Mr. Alcock an exhibit identified as S-1 --

A And which exhibit is that? Can I see S-1?

Q I don't have it now but while they're looking for that, Mr. Sciambra, as an attorney and practicing criminal attorney, don't you know that a sodium pentathol memorandum would have been inadmissible whereas a memorandum you prepared on February 27 was admissible?

A I didn't think about it.

Q You didn't give it any concern?

A I didn't. I did it because I was instructed to do it.

Q I show you a drawing marked S-1, as is  
identified now, and you testified this  
morning before lunch that Russo identified that picture in Baton Rouge?

A That is correct.

Q Is that the identical picture?

A I don't know if it's the identical one but  
it is a picture of Lee Harvey Oswald  
and he did identify a picture of  
Oswald.

Q You don't know if that is the picture or  
not?

A If it was introduced it was.

Q Isn't it true that Russo only identified  
one side of the picture?

A I really don't remember.

Q You don't have any recollection?

A I don't have any recollection.

Q Did you show him Russo's picture individually?

A No.

Q Or as a general picture?

A All I know is he saw the picture of Lee  
Harvey Oswald and picked it out.

Q You testified earlier about bringing in

Reference copy, Jan 1964



an artist to draw on the pictures?

A Yes, sir, that is correct.

Q Isn't it correct that that picture drawing session lasted for five or six hours?

A I wouldn't say five or six hours, maybe one hour or one and a half or two hours because there were some problems.

Q Russo had difficulty identifying him with the person he saw?

A Russo never had trouble identifying him. There was some problems because Perry wanted to get Lee Harvey Oswald appearing in the same appearance as Ferrie's apartment. He wanted to see him with his hair messed up, say with a three or four days growth of beard, dirty and dissheveled, and looking like a beatnick. The problem was, the problem was to put Oswald in the same physical appearance as he was in Ferrie's apartment. That was the problem.

Q Mr. Sciambra, let's go back to the notes you burned. Isn't it a fact that

1 James Phelan subsequently, after the  
2 memorandum was submitted to Mr.  
3 Garrison, came to you and asked you  
4 for those notes?

5 A That is exactly right and I went to look  
6 for them and couldn't find them  
7 there.

8 Q There weren't any leaks in the district  
9 attorney's office that time?

10 A We always had leaks in the District  
11 Attorney's office.

12 Q From the very inception?

13 A From the inception.

14 Q If you knew you had burned them why did  
15 you go look for them?

16 A I wanted to see if -- the main reason is  
17 I wanted to see that I had done it.

18 Q How many pages of notes?

19 A I would imagine I took two and a half to  
20 three pages of notes.

21 Q Legal-sized paper?

22 A Right.

23 Q On regular legal paper?

24 A Yes, correct.

25 Q Isn't it a fact your memorandum contains

extensive memorandums as to phone numbers and addresses?

A Does have some phone numbers and some addresses.

Q And isn't it a fact on occasion in your memorandum you have properly spelled such names as Kershenstine and Landry and --

A That is the purpose for putting them on the legal pad.

Q And at least that part of the memorandum is correct?

A That is correct.

Q Were there any names omitted that Russo mentioned to you?

A Not that I can remember.

Q Now, Mr. Sciambra, on your Direct Examination you made reference to Item No. 7 which according to my numbers is found on the bottom of Page 3 that was admitted -- look there --

A The bottom of Page 3?

Q The bottom of Page 3, "He also admitted to Russo for the first time that he was a homosexual and he wanted to

Reference copy, JFK Collection: NSA (NO 100-100000)

1 know if Russo would be willing to  
2 take the drug."

3 A Unh-hunh.

4 Q As I understand your testimony that is  
5 not what Russo told you?

6 A Can I tell you exactly how it happened?

7 Q Answer my question and then you can ex-  
8 plain. Is it not there?

9 A That is not what Russo said specifically  
10 word for word but that is my appre-  
11 ciation, my own words of what Perry  
12 did tell me.

13 Q Did Perry tell you Ferrie was a homosex-  
14 ual?

15 A Perry told me he knew Ferrie was a homo-  
16 sexual.

17 Q Isn't that what the statement says?

18 A The statement does say that but Perry  
19 said that Ferrie did not tell him  
20 that.

21 Q So we are splitting hairs?

22 A You are splitting hairs.

23 Q Let me ask you this, Mr. Sciambra: What  
24 explanation do you have for the fact  
25 that today you have a specific

Reference copy, JFK Collection: BSCA (RG 233)

1                   recollection as to specific items --  
2                   for instance that took place over  
3                   two years ago whereas within seven  
4                   days after the time it happened you  
5                   apparently were filled with inaccur-  
6                   acies?  
7       A       Because I sat down and heard Perry explain  
8                   it.  
9       Q       Now it is your testimony now based upon  
10                  what Mr. Russo had to say in the last  
11                  two days?  
12       A       I think I listened to Perry's testimony  
13                  and it brought back a lot of things  
14                  that happened.  
15       Q       Isn't it a fact that since the time that  
16                  Mr. Russo appeared on the scene he  
17                  has been your responsibility?  
18       A       He has not been my responsibility.  
19       Q       Haven't you seen him on a regular basis?  
20       A       I have not seen Perry on a regular basis.  
21                  As a matter of fact no one particular  
22                  individual is my responsibility.  
23                  There are about four or five people  
24                  assigned to this investigation and  
25                  no one can take the time out to have

Reference copy, JFK Collection: HSCA (RG 233)

1           any one person under him because  
2           there is too many things to do, too  
3           many people to see and too many  
4           people to talk to.

5   Q       Have you had any other assignment since ,  
6           February of '67 other than this  
7           assignment?

8           MR. ALCOCK:

9           Read the question and don't answer  
10          it yet.

11          (Whereupon the last propounded question  
12          was read back by the Reporter.)

13          THE COURT:

14          You are assuming he did have an  
15          assignment.

16          BY MR. WEGMANN:

17   Q       Have you any other assignments besides  
18           the assassination probe?

19   A       At the present time?

20   Q       You, yes.

21   A       You mean since I began on the case -- oh,  
22           I see, I know what you mean, no, no.

23   Q       Your answer is no?

24   A       I have been working primarily on the inves-  
25           tigation of the assassination.

Reference copy, JFK Collection: HSCA (RG 233)

1 Q That was probably true in February and  
2 March '67 when the statement was  
3 made?

4 A Right.

5 Q Now I direct your attention to what I  
6 call Item No. 14 which is found on  
7 Page 4 of the memorandum right about  
8 a quarter of the way up from the  
9 bottom. I will read it to you be-  
10 cause I don't believe we have the  
11 same memorandums, but it's my Item  
12 14.

13 "Ferrie told Russo that he had tried the  
14 aphrodisiac drug --" you find that?

15 A Right.

16 Q Where it says, "Ferrie told Russo that he  
17 had tried the aphrodisiac drug on  
18 his roommate and it worked perfectly.  
19 He said that he and his roommate laid  
20 in bed naked and he gave the drug to  
21 his roommate and his roommate became  
22 very passionate and aggressive and  
23 had intercourse with Ferrie."

24 A Correct.

25 Q My question is did Russo use the word

Reference copy, JFK Collection: BSCA (RG 233)

1 "intercourse" with you?

2 A As I said before --

3 Q Answer yes or no and then you can explain.

4 A I can't remember, can't remember specifi-  
5 cally and I would like to explain why  
6 I can't remember.

7 Q Go ahead.

8 A I remember specifically Perry telling me  
9 that Ferrie had the aphrodisiac drug  
10 and had given it to his roommate and  
11 that they had laid in bed and that  
12 Leon became very passionate and  
13 whether or not Perry used the word  
14 or whether I assumed that, I can't  
15 answer and that is the reason why  
16 "intercourse" is in the memorandum.

17 Q As I understand, this is your language?

18 A This is completely my interpretation, my  
19 own words of what Perry told me.

20 Q Do you usually put assumptions in your  
21 report to the District Attorney?

22 A Sometimes, yes.

23 Q And without identifying them as assump-  
24 tions?

25 A Sometimes, yes.



Reference copy, JFK Collection: BSCA (RG 233)

1 Q Routinely or as regular procedure?  
2 A I don't know what is regular procedure  
3 and again we are splitting words.  
4 Q Do you state your assumptions as facts as  
5 you did in this particular memorandum?  
6 A I said my assumptions what they are and  
7 I use them to explain it in the  
8 memorandum.  
9 Q Is there any way by reading your memoran-  
10 dum that we can distinguish the facts  
11 from the assumptions?  
12 A Sometimes but not all the time.  
13 Q How would you do that?  
14 A The memorandum states assumption and states  
15 facts.  
16 Q No one would know?  
17 A No but as each situation has come up I  
18 would be able, I would be able to  
19 explain it.  
20 Q Directing your attention to No. 20 which  
21 is on Page 6 and which deals with  
22 the time he called his "brother  
23 Steve" over to look at Arcacha's  
24 picture and asked him if that face  
25 was familiar and where his brother

Reference copy, JFK Collection: HSCA (RG 233)

1 Steve said "Yes, it looks like the  
2 guy in the film." Is that in your  
3 words also?

4 A No.

5 Q Which part are you referring to, the  
6 word "brother"?

7 A Perry did introduce me to Steve as a  
8 brother or half-brother.

9 Q He introduced you to him as a brother or  
10 half-brother and was Steve actually  
11 in Baton Rouge?

12 A Definitely.

13 Q And the first time you heard the expres-  
14 sion "soul brother" was when Russo  
15 testified here?

16 A Right.

17 Q I notice various parts in your memorandum,  
18 Mr. Sciambra, where you have certain  
19 statements like No. 19 where it says  
20 "Do you know or recognize any of  
21 these people?"

22 A Wait a minute so I can find that.

23 Q It's halfway down on Page 6 about Arcacha  
24 Smith.

25 A Okay.

Reference copy, JFK Collection: HSCA (RG 233)

- 1 Q I notice you have that in quotation marks  
2 and was that a true quote from Russo  
3 or rather a true quote by you from  
4 your notes?
- 5 A I don't know if it's word by word but the  
6 essence is correct and I showed him  
7 pictures and asked him if he recog-  
8 nized any of the people in the  
9 pictures. The essence is correct.
- 10 Q The essence is correct?
- 11 A I don't know if do you know or recognize  
12 any of these people but that is the  
13 essence of what I would say to any-  
14 body when I would show them a pic-  
15 ture, do you know or recognize any  
16 of these people.
- 17 Q Well why did you put it in quotes?
- 18 A Because those would be my words.
- 19 Q Further down where he said "It looks like  
20 a guy in the film," is that a true  
21 quote from Russo -- that's two lines  
22 down?
- 23 A That's right.
- 24 Q Is that fact or assumption?
- 25 A Where is that -- two lines down?

Reference copy, JFK Collection: ESCA (RG 233)

1 Q Then he called his Brother Steve over to  
2 look --

3 A Yes.

4 Q -- and he said, "Yes, it looks like the  
5 guy in the film"?

6 A That is what Steve said, right. Right  
7 before that it says Steve said in  
8 his own words "Yes, it looks like the  
9 guy in the film."

10 Q You are reading a quote in your words at  
11 that particular time when you were  
12 dictating this particular portion of  
13 the memorandum?

14 A I was writing notes on that day, and I  
15 was writing quotes and it just de-  
16 pended that particular day in what  
17 was involved.

18 Q I am talking about when you were writing  
19 these notes?

20 A Writing notes?

21 Q In Baton Rouge, Louisiana, did you take  
22 down quotes from Russo?

23 A I don't know if I would go through the  
24 trouble of opening quotes and closing  
25 quotes when I was taking those notes.

Reference copy, JFK Collection: HSCA (No 433)

1 Q I will take you now down to my Item 23  
2 which is at the bottom of Page 6,  
3 where he said "The only thing that  
4 doesn't make him stand up and say he  
5 is sure beyond the shadow of any  
6 doubt is the fact that the roommate  
7 was always so cruddy and had a bushy  
8 beard."

9 A I don't see that -- I see it now.

10 Q Is that Russo's words to you?

11 A I can't tell you exactly if that was  
12 Perry's words to me or not because  
13 it is my interpretation of what  
14 Perry told me when he said he would  
15 like to see Oswald in the same condi-  
16 tion he was in in Ferrie's apartment,  
17 namely messed up hair, three or four  
18 day growth of beard, and dirty look-  
19 ing like a beatnick.

20 Q In Baton Rouge there was a doubt in  
21 Russo's mind as to the identity of  
22 Oswald?

23 A No, sir, not a doubt in Russo's mind as  
24 to identifying Oswald but only a doubt,  
25 not a doubt but only a desire on

Reference copy, JFK Collection: HSCA (RG 233)

1 Russo's part to see Oswald in the  
2 same physical condition, never a  
3 doubt in the identification; he was  
4 always positive.

5 Q Why do you use the words in your memoran-  
6 dum, "Beyond the shadow of any  
7 doubt," these are your words?

8 A Right, because at that time --

9 Q Is your interpretation?

10 A It is my interpretation on what Perry was  
11 saying.

12 Q That it is your interpretation of what  
13 Russo told you?

14 A Okay, fine.

15 Q Now it is also your interpretation of  
16 what Russo told you that "He was  
17 always cruddy and had a bushy beard."  
18 Did Russo use the word "bushy"?

19 A I don't know if Russo used the word  
20 "bushy" or not. I am inclined that  
21 he didn't. He described Oswald as  
22 having a three or four day growth  
23 and it was in between that. That  
24 was one of the problems in trying to  
25 get a picture to look like that with

Reference copy, JFK Collection: BSCA (RG 233)

1 a three or four day growth.

2 Q Have you ever seen a bushy beard only

3 three or four days old?

4 A It would depend, it would depend on the

5 individual. Some would grow a three

6 or four days growth and have a bushy

7 beard and some can grow 'em for three

8 or four weeks and you would not

9 describe it as such.

10 Q Let's go to the item at the very end where

11 you talk about hypnosis and do I

12 understand that you disagree with

13 Russo when he says this is an error

14 where you say he says he had been

15 hypnotized and he said that he never

16 had been hypnotized?

17 A Russo said yesterday he never had been

18 hypnotized?

19 Q Yes.

20 A What is your question?

21 Q I'm asking you "He states he had been

22 hypnotized like this before and it

23 had helped him to recall and that he

24 would be glad to do it for us."

25 Is that what Perry told you or is

1                   this an assumption?

2     A     It is my interpretation of what Perry

3                   told me.

4     Q     Well tell us what Perry told you.

5     A     Perry told me that Dave Ferrie and some-

6                   one else, I forget his name, had

7                   attempted to hypnotize him and it

8                   was or there was a difference be-

9                   tween Ferrie and Perry as to whether

10                  or not Ferrie and the other guy had

11                  actually accomplished it by putting

12                  him under hypnosis. He said he did

13                  not and Ferrie said he was of the

14                  opinion he had and this was my

15                  interpretation of that conversation.

16    Q     Mr. Sciambra, you were satisfied with

17                  Ferrie's interpretation rather than

18                  Russo's?

19    A     On that particular item?

20    Q     Yes.

21    A     Evidently I did.

22    Q     Now did you ever have a conversation with

23                  Ferrie?

24    A     Dave Ferrie?

25    Q     Yes.



Reference copy, JFK Collection: HSCA (RG 233)

1 A Which time?

2 Q Any time.

3 A I met Dave Ferrie two or three times out  
4 on the Lakefront Airport when I was  
5 in Law School.

6 Q Was Dave Ferrie alive February 25?

7 A Was Dave Ferrie alive February 25?

8 Q Yes.

9 A If I'm not mistaken Dave Ferrie died  
10 February 22.

11 Q He wasn't in Baton Rouge and you were  
12 reporting only what Russo told you  
13 and your interpretation?

14 A That is correct.

15 Q Have you ever taped an interview with  
16 Perry Russo?

17 A No, I never did.

18 Q Does the District Attorney's office own  
19 tape recording equipment?

20 A They own it but you've got to realize at  
21 that time we had three or four --  
22 the District Attorney's office owns  
23 big tape recorders and certainly it  
24 would be unreasonable to have to carry  
25 them around. As you well know,

1 Mr. Wegmann, you talk to a lot of  
2 people and you don't record it. We  
3 have a couple of small ones but at  
4 that particular time I believe there  
5 -- they were out and in addition I  
6 was called from home and wasn't pre-  
7 pared and if Garrison hadn't called  
8 me at 8:00 o'clock in the morning I  
9 certainly wouldn't have gone.

10 Q You stated in April or May of '67 that  
11 James Phelan got your permission or  
12 Russo told you that Phelan was going  
13 to talk to him.

14 A Russo told me that Phelan did.

15 Q Isn't --

16 A I called Perry and told him that Phelan  
17 wanted to talk to him and I set the  
18 whole thing up.

19 Q Wasn't that in March?

20 A In March.

21 Q I am talking about May.

22 A May in Perry's apartment on St. Philip?

23 Q Yes.

24 A Yes, Perry called Phelan and said that and  
25 I said let me first check with

1           Garrison and as a result of my check-  
2           ing with Garrison we let Phelan go  
3           over there, let him go over there  
4           and see how far he would go and let  
5           us tape the conversation and that is  
6           what we did.

7   Q       Mr. Sciambra, let's go back to the meet-  
8           ing that took place between you,  
9           James Phelan, Jim Garrison and Bill  
10          Gervich at Mr. Garrison's home.

11   A       Okay.

12   Q       Isn't it a fact that there was a discus-  
13           sion between you and Phelan as to  
14           whether or not the third meeting was  
15           contained in the memorandum and isn't  
16           it a fact at that time that you and  
17           Phelan disagreed and that he said --

18   MR. ALCOCK:

19           I object to what Mr. Phelan said. We  
20           have gotten into an awful lot of  
21           hearsay here.

22   THE COURT:

23           Rephrase the question.

24   BY MR. WEGMANN:

25   Q       Isn't it a fact that Mr. Phelan offered to

Reference copy, JFK Collection: HSCA (NO 457)

1 make you a bet that it was not in the  
2 memorandum and you insisted it was  
3 in the memorandum?

4 A In --

5 MR. ALCOCK:

6 My objection is hearsay.

7 THE COURT:

8 I will permit it.

9 A I don't know anything about a bet offered  
10 by Phelan. There was a dispute be-  
11 tween Phelan and myself as to whether  
12 Perry told me during the first inter-  
13 view, and I told James Phelan that  
14 Perry did tell me this in Baton  
15 Rouge and if he didn't believe it or  
16 had any questions I would be per-  
17 fectly willing to call up Perry and  
18 arrange an interview and he could go  
19 up there and talk to Perry all he  
20 wanted to.

21 Q Did you talk to Perry before Phelan got  
22 to Baton Rouge?

23 A I called Perry and told him that Phelan  
24 wanted to talk to him and to ask him  
25 questions and to tell me anything he

1 wanted to know.

2 Q Was this before or after the preliminary  
3 hearing?

4 A It was after the preliminary hearing of  
5 March 21.

6 Q Going back to your memorandum, Mr.  
7 Sciabra, on Page 6 --

8 A Okay.

9 Q -- what I call discrepancy No. 21 --

10 A Okay.

11 Q -- the next picture he identified was that  
12 of Clay Shaw?

13 A That is right.

14 Q He said that he saw this man twice. The  
15 first time was when he pulled into  
16 Ferrie's service station to get his  
17 car fixed?

18 A That is correct.

19 Q And he said Shaw was the person who was  
20 sitting in the compact car talking  
21 with Ferrie?

22 A Yes.

23 Q And he remembers seeing him again at the  
24 Nashville Street Wharf when he went  
25 to see J. F. K. speak?

Reference copy, JFK Collection: HSCA (NO 100)

1 A Right.

2 Q But he recollects nothing about meeting  
3 him at Ferrie's house?

4 A That is an omission by me.

5 Q But there is nothing in this memorandum  
6 about a third meeting?

7 A That is correct.

8 Q Why didn't you in this memorandum say that  
9 he saw him three times and enumerate  
10 the third meeting?

11 A Because it was an error on my part. I  
12 was not really concerned, as I said  
13 before, not really concerned of the  
14 information in the second memorandum.  
15 I considered this a memorandum of  
16 record and not information and the  
17 information in this record I con-  
18 sidered to be secondary and peripher-  
19 al to the information I dictated in  
20 the first memorandum which contains  
21 the full account of the meeting that  
22 took place in Ferrie's apartment  
23 between Shaw, Oswald and Ferrie.  
24 I made this memorandum to begin with  
25 because there were some names we were

Reference copy, JFK Collection: NSUA (NG 233)

1 going to check out at a later date.

2 Q And it is a seven-page memorandum, six  
3 and a quarter pages?

4 A Right.

5 Q Let me ask you this: When Phelan talked  
6 to you at Garrison's house, isn't it  
7 a fact you insisted to Phelan it was  
8 in the memorandum and Phelan told you  
9 that you didn't know what in the  
10 world you were talking about?

11 A I insisted to Phelan that Perry told me  
12 this in the first interview.

13 Q Answer the question.

14 A The answer is no and I gave you the ex-  
15 planation.

16 Q Do you deny that Mr. Phelan offered to  
17 quit his job with the Saturday Evening  
18 Post if you would quit yours with the  
19 District Attorney if it wasn't in  
20 that memorandum?

21 A I never denied anything.

22 Q You mean he never offered anything?

23 A That is exactly right.

24 Q You told, you told Russo to lead Phelan  
25 on in May or June '67?

Reference copy, JFK Collection: HSCA (RG 233)

Reference copy, JFK Collection: HSCA (RG 243)

1 A That is right and can I give you my rea-  
2 son?

3 Q Can you say yes or no?

4 A At that particular time we didn't think  
5 an out-of-State Journalist, we con-  
6 sidered at very best as a journalis-  
7 tic prostitute, should come into  
8 this State and try to hurt our case  
9 by trying to influence our case by  
10 showing him a picture of Guy Bannis-  
11 ter.

12 Q You've finished your explanation?

13 A By showing Perry a picture of Guy  
14 Bannister, which he later did and  
15 telling him it was Bannister and not  
16 Shaw and telling Perry he would be  
17 the patsy if Shaw were not convicted;  
18 that Perry would be on the edge of  
19 the limb and Garrison would go and  
20 get him; and also told Perry he should  
21 visit an attorney, a \$200,000.00 a  
22 year attorney that they had and that  
23 he or Shaw would take care of the  
24 expenses.

25 Q Isn't this the same James Phelan that in



1 March you arranged for Russo to meet  
2 himself without any representative  
3 of the DA's office being present,  
4 without anybody being bugged, yet  
5 this is the same man you told Russo  
6 to talk to in Baton Rouge?

7 A I was merely telling him --

8 Q But by May he had become a prostitute?

9 A That is right because of his inability to  
10 objectively report what he should.  
11 That is why he became a prostitute.

12 Q In the same month of June '67 Russo gave  
13 a statement to Sergeant O'Donnell.  
14 Did you tell Russo to lead O'Donnell  
15 on?

16 A No, I didn't.

17 Q Do you know who I'm talking about when I  
18 say O'Donnell?

19 A Sure did.

20 Q You arranged the meeting?

21 A I don't know if I arranged it.

22 Q Did O'Donnell report back to you?

23 A No, he didn't.

24 Q Did you read O'Donnell's report?

25 A You mean the report of the interview?

Reference Copy, see page 44

Q Yes.

A Of the sodium pentathol?

Q The report of O'Donnell made in June of '67 to the District Attorney's office.

A I didn't read it word for word but I had the memorandum that O'Donnell had given a copy to Jim Garrison.

Q You are not saying that O'Donnell is a prostitute?

A Definitely not. I think he misinterpreted Perry's words though.

Q You said that Phelan was a prostitute and for not have objectively reported it?

A That was obvious.

Q What did he find -- do you feel you objectively reported what Russo told you on February 25 in Baton Rouge?

A I reported it to the best of my ability. That would make me a sloppy memorandum writer but it doesn't make me a prostitute.

Q What?

A Some twenty-six inaccuracies, twenty-six inconsistencies, differences between

1 my interpretation and Perry's words.

2 Q How many omissions?

3 A It had some omissions but the obvious  
4 omission was the fact I did not re-  
5 port in that memorandum that Perry  
6 had told me about meeting in Ferrie's  
7 apartment between Shaw, Ferrie and  
8 Oswald and that was the big omission  
9 and that I pointed out.

10 Q He used the word "Shaw" in Baton Rouge?

11 A No, he didn't. He has always identified  
12 Clay Shaw as Clem Bertrand. Even  
13 today he identifies Clay Shaw as  
14 Clem Bertrand.

15 MR. WEGMANN:

16 That is all the questions I have.

17 MR. ALCOCK:

18 No further questions.

19

20 ....oo....

21

22

23

24

25

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CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

\* \* \* \* \*  
STATE OF LOUISIANA \*  
                  \*  
          versus \*  
                  \*  
CLAY L. SHAW \*  
                  \*  
\* \* \* \* \*

NO. 198-059  
14:26 (30)  
SECTION "C"

EXCERPT OF THE TESTIMONY OF  
ROWLAND CHARLES ROLLAND, taken in  
Open Court during the Afternoon  
Session on February 12, 1969.

B E F O R E :

THE HONORABLE EDWARD A. HAGGERTY, JR.,  
JUDGE, SECTION "C"

Dietrich & Pickett, Inc.  
*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130-522-3111

Reference copy, 11/23/93

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NANA *[Signature]*

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NARA *duff* DATE 11/23/93

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RE CROSS</u>
Rowland C. Rolland	2	13	27	31

E X H I B I T S

<u>EXHIBIT</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>RECEIVED</u>
S-26	12	12	12

1 FEBRUARY 12, 1969 2

2 AFTERNOON SESSION

3 ...oOo...

4 ROWLAND CHARLES ROLLAND,

5 a witness for the State, after first being duly  
6 sworn by the Minute Clerk, was examined and  
7 testified on his oath as follows:

8 DIRECT EXAMINATION

9 BY MR. ALCOCK:

10 Q For the record, would you state your full  
11 name, please?

12 A Rowland Charles Rolland.

13 Q Mr. Rolland, where do you reside?

14 A Houston, Texas.

15 Q In the month of November 1963 where did you  
16 reside?

17 A In Houston, Texas.

18 Q And in that month what was your occupation or  
19 business?

20 A I was President of Winterland Ice Skating Rink,  
21 Incorporated and also General Manager.

22 Q Was that business establishment also located  
23 in Houston, Texas?

24 A Yes.

25 Q Mr. Rolland, do you recall being at that

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NAME duet DATE 11/23/93

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1 location, that is your place of business, 3  
2 on the day of November 23, 1963?

3 A I do.

4 Q Do you recall approximately what time of day  
5 or night you arrived at that location?

6 A Yes, I was there that morning. That afternoon  
7 we had from 1:00 to 3:00 -- we give  
8 lessons to Girl Scouts, which I handled  
9 this procedure. I left at approximately  
10 3:25 to 3:30, somewhere in that  
11 neighborhood, to go for lunch. Our doors  
12 opened and we started selling tickets at  
13 3:00 o'clock in the afternoon for public  
14 skating. Skating started at 3:30.

15 I left after seeing that the ice had  
16 been resurfaced for this session and went  
17 out to eat and was gone approximately 45  
18 minutes I would say.

19 Q Would you approximate the time you returned?

20 A Somewhere between 4:00 and 4:15.

21 Q How long had you been in that business at that  
22 time?

23 A I have been connected with ice rinks and the  
24 ice business since 1946.

25 Q Are you a professional skater?

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NAME *Dietch* DATE 11/23/93

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NAME Smith DATE 11/23/93

1 A Yes, sir.

2 Q Now, Mr. Rolland, calling your attention to  
3 the time you returned to the ice rink,  
4 did you have occasion to meet someone?

5 A Yes.

6 Q Who was that?

7 A A very unusual thing, Mr. Dave Ferrie. The  
8 reason this is such a memory to me was  
9 because of the way he approached me. He  
10 had called the week before or several  
11 days before asking about our services.  
12 We get many calls from people coming from  
13 out of town because iceskating is an  
14 unusual thing to many people and they  
15 like to try the sport.

16 Mr. Ferrie made quite a point,  
17 actually he made a little bit of a pest  
18 of himself at the time.

19 Q Mr. Rolland, I am going to show you an exhibit  
20 marked for purposes of identification  
21 S-10 and ask you if you recognize the  
22 person depicted.

23 A Yes.

24 Q Who is that person?

25 A Mr. Dave Ferrie.

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NAMA *dund*  
DATE 11/23/93

1 Q Is that the man you are now talking about? 5

2 A Yes, would you like a description of him?

3 Q Yes, go ahead.

4 A He had red hair, wore a toupee, sort of  
5 ruddy complexion.

6 Q When was, approximately how long after you  
7 returned to the ice rink did you first  
8 meet Dave Ferrie?

9 A Practically upon walking in I was told several  
10 people -- that --

11 MR. DYMOND:

12 I object to what was told to him.

13 THE COURT:

14 I sustain the objection.

15 BY MR. ALCOCK:

16 Q Did you have a conversation with Ferrie at that  
17 time?

18 A Yes, I did.

19 Q What was that?

20 A He came in and made known he was there, his  
21 party, himself and two others.

22 Q Was he with anyone at the time?

23 A He was by himself when he came up but later he  
24 brought two others over and introduced  
25 them to me but I do not recall their names

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1 and frankly he came back and talked to  
2 me. I was waiting on people and he made  
3 quite a point of the fact he was there --

4 MR. DYMOND:

5 I object to his conclusion.

6 THE COURT:

7 You can testify as to how many times he  
8 met with you or spoke with you, but  
9 you are drawing a conclusion.

10 BY MR. ALCOCK:

11 Q Mr. Rolland, after this first encounter or  
12 introduction by Ferrie, did you have  
13 occasion to talk to him again that same  
14 afternoon?

15 A Yes.

16 Q How many times?

17 A Approximately five.

18 Q And what was said on these occasions by Ferrie?

19 A Unh, nothing except to let me know he was there.

20 MR. DYMOND:

21 I object to that Your Honor, as the  
22 witness is interpreting what was  
23 said. If he knows what was said let  
24 him say it but not interpret it.

25 THE COURT:

1 I sustain the objection. 7

2 BY MR. ALCOCK:

3 Q Mr. Rolland, is there a public telephone in  
4 Winterland Ice Rink?

5 A Yes, there is.

6 Q And approximately where is that located in the  
7 ice rink?

8 A Near the entrance.

9 Q And principally where were you during the time  
10 that Dave Ferrie and his companions were  
11 in the ice rink?

12 A The area in which I worked and handled was  
13 around the entrance because that is where  
14 the Pro Shop, a Skate Counter, Ticket  
15 Window and office and telephone is  
16 centrally located in that area, and if  
17 you need a diagram of this I will be  
18 happy to give it to you.

19 THE COURT:

20 Are you going to have the gentleman sketch  
21 a diagram?

22 MR. DYMOND:

23 No objection.

24 THE COURT:

25 Beg pardon?

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NARA *CHIEF* DATE 11/23/93

1 MR. DYMOND:

2 No objection.

3 THE COURT:

4 How would it be convenient, do you wish  
5 to leave the witness stand or can  
6 you do it there?

7 THE WITNESS:

8 I can do it anywhere.

9 THE COURT:

10 Mr. Dymond, you want to step up here?

11 THE WITNESS:

12 (Complying with request by drawing an  
13 illustration.)

14 BY MR. ALCOCK:

15 Q Mr. Rolland, would you just explain the  
16 diagram to the Court?

17 A Yes, this is the entrance to the ice rink,  
18 double doors. This is glass. This is  
19 the ticket window area with our offices,  
20 the Skate Shop, the skating area itself,  
21 the Pro Shop with the window in here.  
22 This is all open in this area.

23 Q Go ahead.

24 A Mr. Ferrie, this over here being public  
25

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NARA *chuck*  
DATE 11/23/93

1                   telephones, Mr. Ferrie spent the majority   9  
2                   of his time in and around this area over  
3                   here.  
4       Q       Where did you or would you have spent the  
5                   majority of your time?  
6       A       I was either at this window in the Pro Shop or  
7                   in the work shop and at one time  
8                   Mr. Ferrie did ask for me, and I was  
9                   back sharpening a pair of skates and had  
10                  to come back to the window.  
11       Q       Where did the two gentlemen or persons that  
12                  accompanied him to the ice rink spend  
13                  their time?  
14       A       They spent most of their time skating. They  
15                  did skate.  
16       Q       To your knowledge did David Ferrie even rent  
17                  any skates on that occasion?  
18       A       No, he did not buy a ticket of admission for  
19                  skating purposes.  
20       Q       Did you ever see Dave Ferrie use the public  
21                  telephone?  
22       A       Yes, I did, a number of times.  
23       Q       Did Dave Ferrie, to your knowledge, ever  
24                  receive a telephone call at the skating  
25                  rink?

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NARA *quilt* DATE 11/23/93

1 A Yes, he did. 10  
2 Q Were you in a position to hear any conversation  
3 which he might have had?  
4 A No, I did not.  
5 Q Can you approximate how many times Ferrie used  
6 the public telephone?  
7 A Approximately three.  
8 Q Now approximately how long was David Ferrie at  
9 the ice rink while you were present?  
10 A He left at approximately 5:45.  
11 Q Did you actually see him leave?  
12 A Yes. Excuse me. He made a point outside once  
13 again to --  
14 MR. DYMOND:  
15 Object. Just a moment --  
16 A (Continued) I wouldn't say made a point but  
17 he spoke to me outside saying they were  
18 leaving and they would be back that  
19 evening, he and his two companions.  
20 Q Did you see him later on that evening?  
21 A No, he never returned.  
22 Q Mr. Rolland, did you report these activities  
23 of Ferrie to the Federal Bureau of  
24 Investigation?  
25 A Yes, I did. Oh, I guess the men from the FBI

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NARA DATE 11/23/93

1                   spent about one hour and a half with me. 11  
2   Q   Approximately when was that?  
3   A   It was on a Sunday morning, the following week.  
4   Q   Mr. Rolland, did you have occasion at that time  
5           to have a conversation at all with the  
6           two persons who accompanied Ferrie to the  
7           rink?  
8   A   No, I was introduced to them and that was all.  
9           No conversation.  
10   Q   And I think you said Ferrie did not rent any  
11           skates?  
12   A   That is correct, he did not skate. He spent  
13           most of his time walking around in the  
14           lobby, looking in the Pro Shop and watching  
15           the skaters. He made a number of trips  
16           to the telephone booth and then to his  
17           two companions and he was talking to his  
18           companions and talking to me on a number  
19           of occasions.  
20   MR. ALCOCK:  
21           You know my next number?  
22   THE CLERK:  
23           Twenty-six.  
24   MR. ALCOCK:  
25           No, I didn't introduce twenty-five.

1 THE CLERK:

12

2 Twenty-five is going to appear in the  
3 transcript.

4 MR. ALCOCK:

5 It will? Then it will appear as being  
6 not filed so now it would be No. 26  
7 then.

8 Your Honor, in connection with  
9 the testimony of this witness the  
10 State offers, introduces, and files  
11 in evidence, having marked same for  
12 purposes of identification as  
13 "State-26," a diagram, a sketch of  
14 this witness of the ice rink.

15 MR. DYMOND:

16 No objection.

17 THE COURT:

18 Let it be received.

19 (RECESS)

20 AFTER THE RECESS:

21 THE COURT:

22 Is the State and Defense ready to  
23 proceed?

24 MR. DYMOND:

25 We are ready.

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1

MR. ALCOCK:

13

2

We are ready, Your Honor.

3

THE COURT:

4

I believe the witness has been tendered

5

for cross-examination.

6

CROSS-EXAMINATION

7

BY MR. DYMOND:

8

Q Mr. Rolland, when did you first contact or get

9

in touch with any member of the District

10

Attorney's staff here in New Orleans?

11

A When did I?

12

Q Yes.

13

A I did not, they contacted me.

14

Q When was that, sir?

15

A I do not recall the date.

16

Q Could you tell us approximately, I don't expect

17

you to be exact on it but about how long

18

ago?

19

A A year after the incident happened possibly.

20

Q A year after '63?

21

A I am guessing at this and I am not sure. I

22

do not recall the date.

23

Q When you estimated a year after the event you

24

mean a year after the visit by Dave Ferrie

25

to Winterland Skating Rink?

1 A Yes. 14  
2 Q That would be approximately 1964 then, is that  
3 correct?  
4 A Yes.  
5 Q What particular individual from the District  
6 Attorney's office contacted you?  
7 A I believe it was Andy Sciambra.  
8 Q Mr. Sciambra, is that the gentleman you see in  
9 court?  
10 A Yes, that is the gentleman. He is the one that  
11 contacted me.  
12 Q And you are quite certain that was roughly  
13 November '64, is that right?  
14 A I said I do not remember the date. It is  
15 approximately one year after that, I  
16 believe.  
17 Q You don't think you could be a year wrong on  
18 your estimate, could you?  
19 A Would you repeat that question?  
20 Q Would you think you could be as much as a year  
21 wrong in your estimate?  
22 A I don't think so.  
23 Q You wouldn't possibly be two years wrong,  
24 could you, sir?  
25 A I don't believe so.

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RELEASED PER P.L. 102-56 (JFK ACT)  
NAME *Smith*  
DATE 11/23/93

1 Q And you would be just as certain of that as 15  
2 you are of the rest of your testimony?  
3 THE COURT:  
4 Even though the State hasn't objected,  
5 you may rephrase your question.  
6 BY MR. DYMOND:  
7 Q I want to be certain you are not being misled  
8 on this, Mr. Rolland, but is it your  
9 testimony that you were contacted by  
10 Mr. Sciambra approximately one year after  
11 the visit by Dave Ferrie to your  
12 Winterland Skating Rink?  
13 A If you don't mind I want to take just a moment.  
14 Q Perfectly all right.  
15 A To recall events.  
16 THE COURT:  
17 Mr. Dymond, may I make a suggestion. Do  
18 you have anything that may assist  
19 the witness in refreshing his  
20 memory?  
21 MR. DYMOND:  
22 Your Honor, I don't think it's my purpose  
23 to refresh his memory.  
24 A I could tell you where we had the meeting and  
25 I could give you the time, but far as

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NARA *duff* DATE 11/23/93

1 date, no.

16

2 BY MR. DYMOND:

3 Q I'm not asking you for a precise date at all  
4 but I am asking that you tell me within  
5 a period of say six to eight months, how  
6 long after the visit by Dave Ferrie to  
7 your Winterland Skating Rink were you  
8 contacted by Mr. Sciambra?

9 A I said approximately one year.

10 Q Approximately a year and you stand on it?

11 A That is give and take and we met at 3700 Kirby  
12 Drive in the coffee shop. We sat in the  
13 booth, I even can tell you what booth if  
14 you would like.

15 Q I just want to be sure that my question was  
16 clear and was it, sir?

17 A Yes.

18 Q Now how long have you owned this Winterland  
19 Skating Rink or were you President of it?

20 A I was President of Winterland Skating Rink from  
21 1962 until 1964.

22 Q I see.

23 A Would you like a little more information?

24 Q No, that will be enough. Now with respect to  
25 your description of Mr. Ferrie which the

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1 record will show you did offer to 17  
2 describe him and did describe him, did  
3 you not?  
4 A I believe I did.  
5 Q You said he had on a toupee?  
6 A Yes.  
7 Q And by that you do mean false hair?  
8 A That is right.  
9 Q And you say it was reddish-brown?  
10 A Reddish in color.  
11 Q Was that well groomed or very messy looking?  
12 A Quite curly is the way I would explain it.  
13 Q Would you term it spotty?  
14 A What is your definition of "spotty"?  
15 Q Appearance of having pieces of hair missing  
16 from it.  
17 A I didn't pay that much attention to it. I was  
18 quite busy 'cause Saturday afternoon is a  
19 very busy day for us.  
20 Q Now you say Saturday afternoon is quite a busy  
21 day for you, is that correct?  
22 A Correct.  
23 Q Would I be correct in assuming this incident  
24 took place on a Saturday afternoon?  
25 A I believe so.

HSCA (RG 233)

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DATE 11/23/93  
NANA *[Signature]*

1 Q You say that is the reason you didn't have time 18  
2 to very closely observe Dave Ferrie, is  
3 that right?  
4 A That is right.  
5 Q Because it was Saturday afternoon and you were  
6 unusually busy, is that correct?  
7 A Well, any time you are open for business you  
8 are busy, aren't you?  
9 Q You picked Saturday, you did sir, and isn't  
10 that a busy day?  
11 A One of the busiest. The whole weekend is  
12 busy, Sunday too.  
13 Q Didn't you give that for a reason to remember  
14 it was a Saturday, because it was just a  
15 busy day?  
16 A I believe so.  
17 Q And you stand by that, sir?  
18 A Right.  
19 Q Now let me ask you with respect to David  
20 Ferrie's eyebrows, do you recall anything  
21 unusual about them?  
22 A They were unusual, but I can't explain in what  
23 way.  
24 Q You do recall they were unusual?  
25 A Like possibly they were plucked or some shape.

Reference copy, JFX Collection: ESCA (RG 233)

RELEASED PER P.L. 102-626 (JFK ACT)  
DATE 11/23/93  
NARA

- 1 Q You say quite possibly, you saw them? 19
- 2 A Yes.
- 3 Q Were they bushy?
- 4 A You mean wide, bushy eyebrows?
- 5 Q Let me help you just a minute. May I have the
- 6 pictures of Ferrie, please. I don't know
- 7 the number.
- 8 BY MR. DYMOND:
- 9 Q I show you first a photograph that has been
- 10 marked for identification as State-8,
- 11 Mr. Rolland, purporting to be a photograph
- 12 of Dave Ferrie after his decease and ask
- 13 you to observe the eyebrows on that
- 14 photograph.
- 15 A Yes.
- 16 Q I also show you another photograph marked for
- 17 identification State-10 likewise
- 18 purporting to be a photograph of Dave
- 19 Ferrie and ask you to observe not only the
- 20 eyebrows but the back of the hair on this
- 21 photograph.
- 22 A Okay.
- 23 Q Having seen these photographs are you able to
- 24 give us any more detailed a description of
- 25 the appearance of Dave Ferrie's eyebrows?

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1 A They appeared to me, what I recalled full, 20  
2 they weren't plucked out but they were  
3 shaped like up, like a woman does hers,  
4 in a sense of the word.  
5 Q You would say they were full?  
6 A That is correct.  
7 Q They were very much as they appeared in those  
8 pictures, is that correct?  
9 A Right.  
10 Q Do you remember what type of clothing  
11 Dave Ferrie had on that time?  
12 A Sports jacket, sports coat, a pair of slacks  
13 and shoes.  
14 Q What color were the garments if you remember?  
15 A Nothing outstanding as far as color.  
16 Q Do you remember what color they were or not?  
17 A Offhand, no. I want to say he was wearing a  
18 maroon shirt for some reason.  
19 Q Is it true?  
20 A I would say he was wearing a maroon shirt, that  
is the only thing I remember about him.  
Q I understand that you were present when they  
arrived?  
A No, sir.  
They were there when you got back?

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DATE 11/23/93  
NARA

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Reference copy, JFK Collection: ESCA (RG 233)

RELEASED PER P.L. 102-586 (JFK ACT)  
DATE 11/23/93  
NANA

1 A Right. 21  
2 Q From having lunch, is that correct?  
3 A Correct.  
4 Q And as I understand your Direct testimony you  
5 were introduced to the two men who were  
6 Ferrie's companions, is that right?  
7 A That is correct.  
8 Q Do you remember their names?  
9 A No, sir.  
10 Q Are you able to describe either one or both of  
11 them?  
12 A Young fellows, that is all.  
13 Q You say young, and would you mind approximating  
14 their age based on their appearance?  
15 A Between 20 and 25 I would say.  
16 Q Would you be able to point out any  
17 distinguishable appearances between the  
18 two companions, that is would you be able  
19 to distinguish one from the other?  
20 A Between the two fellows and Ferrie?  
21 Q No, between the two fellows as between the  
22 two, was one taller than the other or  
23 heavier or any other appearances?  
24 A No, they were built pretty much the same as I  
25 recall correctly and I believe one was

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Reference copy, JFK Collection: BSCA (RG 233)

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NARA *duet* DATE 11/23/93

1 light complected, brownish hair, and the 22  
2 other was medium complexion.  
3 Q And both appeared to be roughly the same age?  
4 A To me, yes. I was not paying a whole lot of  
5 attention to them.  
6 Q You recall how they were dressed?  
7 A I believe they were wearing bluejeans.  
8 Q Bluejeans?  
9 A Yes.  
10 Q Both of them?  
11 A I think so.  
12 Q How about shirts, what color shirts did they  
13 have one, do you recall?  
14 A I do not recall.  
15 Q How about jackets or coats?  
16 A I don't recall them having a jacket, either one  
17 of them.  
18 Q Was this a cold or warm day?  
A Very warm afternoon.  
Q As I understand your testimony you returned to  
your skating rink at Winterland between  
4:00 and 4:15 in the afternoon, is that  
correct?  
A That's correct.  
Q And when you arrived there these three men were

Reference copy, JFK Collection: ESCA (RG 233)

RELEASED PER P.L. 102-566 (JFK ACT)  
DATE 11/23/93  
NANA *[Signature]*

1                   there already, is that right?  
2       A     That's right.  
3       Q     Are you reasonable certain as to that time of  
4                   day?  
5       A     Yes, sir, quite certain because of our  
6                   scheduling which we have.  
7       Q     Do you feel I would be safe in saying you could  
8                   not be more than 15 to 20 minutes off on  
9                   that?  
10      A     That is why I said between 4:00 and 4:15.  
11      Q     So you would definitely stand on that time?  
12      A     That is correct.  
13      Q     Now you say Dave Ferrie used the telephone  
14                   there, the pay phone in your place?  
15      A     Right.  
16      Q     And you said he used it about three times, was  
17                   over by the phone using it?  
18      A     He may have used it more.  
19      Q     Could it have been as many as six?  
20      A     Very possibly. I was busy.  
21      Q     As few as one?  
22      A     No.  
23      Q     It would have been more than three?  
24      A     Somewhere around three times that I saw him.  
                 I saw him and he could have used it more.

23

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Reference copy, JFK Collection: HSCA (RG 233)

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NARA *Quack* DATE 11/23/93

1 Q Would I be safe in saying that he used it 24  
2 definitely three times?  
3 A I believe I said that before.  
4 Q I believe you said about three times.  
5 A I will say definitely three times.  
6 Q Were you able to overhear any of his conversa-  
7 tions between these three or six people he  
8 might have called?  
9 A Have you ever been in a public ice rink during  
10 a public session?  
11 Q No, I never have.  
12 A We have music playing, many children around --  
13 Q You were real busy?  
14 A -- going back and forth, assisting the  
15 customers, waiting on customers, but I  
16 was quite aware of what was going on.  
17 Q Still you had time to note a number of phone  
18 calls?  
19 A I saw him standing over there by the phone a  
20 number of times and using it because I  
21 had to pass across that way. If you take  
22 a look at the diagram you will see why --  
23 Q I am familiar with the diagram. Did you see  
24 him put nickels in the phone or not?  
25 A Yes, I did.

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HSCA (RG 233)

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DATE 11/23/93  
NARA

1 Q How many times? 25  
2 A I know of two times.  
3 Q Did you see him put them in the third time?  
4 A No, I saw him using the phone three times.  
5 Q You're sure that wasn't a continuation of the  
6 second conversation?  
7 A It was a long one if it was.  
8 THE COURT:  
9 Mr. Dymond, may I interrupt you a second?  
10 Under Article 369, unless you have a  
11 purpose I say it is irrelevant --  
12 MR. DYMOND:  
13 I have a right to test the witness'  
14 credibility.  
15 THE COURT:  
16 I am aware of that fact but I think you  
17 have covered that subject and I  
18 suggest you go on to another subject.  
19 MR. DYMOND:  
20 I will get off the nickels, Judge.  
21 BY MR. DYMOND:  
22 Q Now you say that Ferrie walked around the  
23 center part of your establishment, that  
24 is the part other than the ice rink area,  
25 is that correct?

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BSCA (RG 233)

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NARA DATE 11/23/93

1 A Correct.  
2 Q And he did not participate in the iceskating,  
3 is that correct?  
4 A That is correct.  
5 Q Well, where else was there for him to go if he  
6 didn't want to skate?  
7 A He could have gone where the visitors from  
8 out of town watch the skaters or he could  
9 have walked down to the coffee shop.  
10 Q He didn't go there?  
11 A I never saw him go down there.  
12 Q And you thought it was real unusual that he  
13 didn't go?  
14 A What I thought was so unusual about Mr. Ferrie  
15 is that most of the time people come in  
16 town and you don't know it and then you'  
17 might get a card saying they were there or  
18 saw or liked your establishment but nobody  
19 ever makes it a point of being sure you  
20 know they are there, that is, not a public  
21 place.  
22 Q Do you know if Mr. Ferrie had any other friends  
walking around your establishment?  
A No, I don't.  
Q Who else would he have had to talk to if not

26

Reference copy, JFK Collection: HSCA (RG 233)

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA *duff* DATE 11/23/93

1 you that he introduced himself to?

27

2 A He could have talked to persons working in the  
3 ticket office, some of the fellows around  
4 the Skate Shop, there were all types of  
5 people standing around that had children  
6 he could have talked to.

7 Q And you considered it unusual he didn't do  
8 that?

9 A Let's say the only people I saw Mr. Ferrie  
10 talk to were either myself or the two  
11 boys.

12 Q Let me ask you this Rolland: did you consider  
13 it unusual that you got a phone call from  
14 Mr. Sciambra on this case almost two years  
15 before they started their investigation  
16 on it?

17 A So I was off on the time. Is that correct?  
18 Is that correct? Good. Thank you.

19 Q Thank you.

20 MR. DYMOND:

21 That's all I have.

22 REDIRECT EXAMINATION

23 BY MR. ALCOCK:

24 Q How many times did Ferrie introduce himself to  
25 you?

Reference copy, JFK collection: HSCA (RG 233)

RELEASED PER P.L. 102-586 (JFK ACT)  
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THE COURT:

I didn't hear the question.

BY MR. ALCOCK:

Q How many times did Ferrie introduce himself to  
you?

A Approximately four or five.

Q He mentioned his name on four or five occasions?

A Yes, sir, he did.

Q Did you consider that strange?

A Quite strange.

Q Did you have an interview with a Federal Bureau  
of Investigation Agent some week or two  
after that?

A Yes.

Q And who were you talking about?

A Talking about Dave Ferrie because it was so  
obvious that --

MR. DYMOND:

I object to that, Your Honor.

THE COURT:

I sustain that. He stated already the  
time he spent there.

BY MR. ALCOCK:

Q You testified you saw him leave the ice rink?

A Yes.

28



Reference copy, JFK Collection: HSCA (RG 233)

RELEASED PER P.L. 102-866 (JFK ACT)  
DATE 11/23/93  
NANA

1 Q And did you have a conversation with him when 29  
2 he left?  
3 A I did, outside the ice rink and they got in  
4 their car and drove off.  
5 Q Just the three of them?  
6 A Yes.  
7 MR. DYMOND:  
8 I object to leading the witness, Your  
9 Honor.  
10 BY MR. ALCOCK:  
11 Q Did Ferrie remention his name at that time?  
12 MR. DYMOND:  
13 Your Honor, I again object to the leading  
14 of the witness.  
15 THE COURT:  
16 Rephrase the question.  
17 BY MR. ALCOCK:  
18 Q What did Ferrie tell you at that time?  
19 A He said he enjoyed the skating. He said that  
20 he would be back and then he left, they  
21 drove off in the car.  
22 Q Do you recall Mr. Rolland, when the President  
23 was assassinated?  
24 A Yes, I do.  
25 Q Would it have been about that time?

Reference copy, JFK Collection: HSCA (RG 233)

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA *[Signature]* DATE 11/23/93

1

MR. DYMOND:

30

2

We object to this. That is improper

3

Redirect and nothing was brought out

4

in Cross-Examination that would permit

5

that.

6

THE COURT:

7

The objection is overruled.

8

MR. DYMOND:

9

To which ruling Counsel objects and

10

reserves a bill making the entire

11

testimony of the witness, the question

12

propounded by the State, the

13

Defense's objection and reason for

14

it, and the ruling of the Court and

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the entire record part of the bill.

16

BY MR. ALCOCK:

17

Q Do you recall in relation to the time that

18

Dave Ferrie was in your ice rink when the

9

President was assassinated?

0

A Yes, I do.

1

Q When was it?

2

A Very close to the time that the President was

3

assassinated.

4

Q Do you recall the specific day?

5

A The day after.

Reference copy, JFK Collection: ESCA (RG 233)

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA *Chief* DATE 11/23/93

1 Q Ferrie was in your rink the day after?  
2 A That is correct.  
3 Q Now do you recall whether or not Sciambra  
4 contacted you prior to the assassination  
5 of the President or after the  
6 assassination of the President?  
7 A Mr. Sciambra?  
8 Q Mr. Sciambra, to my right.  
9 A Right, he contacted me after, in fact I was no  
10 longer with Winterland at the time when he  
11 contacted me.  
12 Q When did you leave Winterland?  
13 A In September '64.  
14 Q Can you approximate for us, Mr. Rolland, using  
15 today as your point of reference, how  
16 long ago Mr. Sciambra contacted you?  
17 A Several years ago.  
18 MR. ALCOCK:  
19 No further questions.  
20 RECROSS-EXAMINATION  
21 BY MR. DYMOND:  
22 Q One moment. You say Mr. Ferrie introduced  
23 himself to you five times?  
24 A I said a number of times and each time there  
25 was quite a point made out as to who he

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Reference copy, JFK Collection: HSCA (RG 233)

RELEASED PER P.L. 102-696 (JFK ACT)  
NARA *Chief* DATE 11/23/98

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was.

Q Didn't you say five times?

MR. ALCOCK:

I object, Your Honor.

MR. DYMOND:

The witness is not responding to my question.

MR. ALCOCK:

He has a right to explain the answer.

MR. DYMOND:

He has a right to explain it but I asked him nothing about the rest.

THE COURT:

Let me advise the witness. Any answer, Mr. Rolland, when they ask you a question you can either say yes or no and that's if it calls for a yes or no, and you will be permitted to explain your answer no matter how long it takes.

THE WITNESS:

Thank you, sir.

BY MR. DYMOND:

Q Didn't you say that he introduced himself to you about five times?

32

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1 A I said about five times, yes.  
2 Q Yes. In what words, how did he introduce  
3 himself to you upon these occasions?  
4 A Through conversation.  
5 Q Did he say "I am Dave Ferrie" five times or  
6 what?  
7 A He pointed out his name like "I, Dave Ferrie  
8 this or that" in conversation.  
9 Q How about the first time he introduced himself  
10 to you, what did he say then?  
11 A Then he said, "I am Dave Ferrie. I am the one  
12 that called you from New Orleans about a  
13 skating party and I have my party here."  
14 Q Was there anything unusual about that, that  
15 first introduction?  
16 A Yes, 'cause when I talked to him on the phone  
17 that it is a public session and just come  
18 in and skate.

You thought it unusual for him to identify  
himself when he comes in?

At a public skating session? I sure do. It  
happens very, very seldom.

MR. DYMOND:

That's all I have.

THE COURT:

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NARA *dist* DATE 11/23/93

1 You are excusing Mr. Rolland from the 34  
2 effects of the subpoena?  
3 MR. ALCOCK:  
4 Yes, sir.  
5 (Witness excused)  
6 THE COURT:  
7 Call your next witness.  
8  
9 ...oOo...  
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Date:08/13/93  
Page:1

## JFK ASSASSINATION SYSTEM

## IDENTIFICATION FORM

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AGENCY INFORMATION

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JACKSON, RICHARD W.

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Excerpt of testimony of Richard W. Jackson. Box 43.

-----  
[R] - ITEM IS RESTRICTED

000017

## CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

\* \* \* \* \*

STATE OF LOUISIANA \*

versus \*

CLAY L. SHAW \*

\* \* \* \* \*

NO. 198-059

14:26 (30)

SECTION "C"

EXCEPT OF THE TESTIMONY OF  
RICHARD W. JACKSON, taken in  
Open Court during the Afternoon  
Session on February 12, 1969,

B E F O R E :

THE HONORABLE EDWARD A. HAGGERTY, JR.,  
JUDGE, SECTION "C"

Dietrich & Pickett, Inc.  
*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130 - 522-3111



FEBRUARY 12, 1969

AFTERNOON SESSION

...oOo...

RICHARD W. JACKSON,

a witness for the State, after first being duly sworn  
by the Minute Clerk, was examined and testified on  
his oath as follows:

DIRECT EXAMINATION

BY MR. ALCOCK:

Q State your full name and occupation, please?

A Name: Richard W. Jackson, employed by the  
United States Post Office Department.

Q How long have you been employed by the Post  
Office Department?

A 26 years.

Q And where, what building are you presently  
working at?

A The Custom House Station, 126 Decatur Street.

Q How long at that location?

A 12 years.

Q And what were your duties essentially at that  
location?

A Carrier, business section serving the Maison  
Blanche Building, the commercial area.

MR. DYMOND:

Your Honor, we would like to ask that  
the original of these documents be  
used. We have never seen the  
originals.

THE COURT:

What do you have there in front of you,  
do you have the originals?

MR. ALCOCK:

No, we don't. Unfortunately the gentleman  
that made the return did have the  
originals and I overlooked the fact  
and took the copies and returned the  
originals but I think this man can  
identify them but I will have the  
Post Office Department bring the  
originals if they want them but if  
this man can identify these I don't  
see no harm.

MR. DYMOND:

We don't want to hold up the trial and  
as long as Mr. Alcock assures us  
these are faithful copies --

MR. ALCOCK:

This is the gentleman that prepared them.

MR. DYMOND:

4

As long as you know them, it is all right  
with us.

THE COURT:

There's no objection, so you may proceed.

BY MR. ALCOCK:

Q Mr. Jackson, I'm going to show you what I have  
marked for purposes of identification as  
State's Exhibits-27, -28 and -29 and ask  
you if you recognize these documents and  
the writing that appears on them?

A Yes, sir, I do.

Q Now would you tell the Court how you recognize  
these documents?

A It is a change of address card that was  
entered in the Post Office for purposes  
of changing mail from one place to another  
and I changed the Post Office record.

Q May I take it from your response that all the  
writing is your handwriting?

A That is right.

Q And you so identified -- so identify it at  
this time?

A I am.

Q Specifically referring you to State Exhibits-27  
and -29, I ask you tell the Court what

5

these documents represent.

A This document here --

Q Speak louder.

A This document represents a change of address  
for -- can I use the name?

Q Yes.

A From Clay Shaw from 1313 Dauphine, changing  
his mail to an address of 1414 Chartres  
Street. There is also a cancellation on  
this same address removing it back to  
1313 Dauphine.

Q And when did the, or when would the  
cancellation have taken effect according  
to the documents you have with you?

A 9th month, 21st day, the year is not listed  
but I would have to say this was 1963.

Q Sixty-what?

A '66, I am sorry.

Q I am -- I show you what I have marked for  
identification as State-28 and ask you  
what that document represents?

A This is a change of address for Clay Shaw  
from 1313 Dauphine to 1414 Chartres Street.  
This was in 1966, 9/21.

Q Does that have any relationship to the other

1 exhibits here?

2 A There is a discrepancy here in some way.

3 Q Point it out.

4 A The change of address listed in the book here  
5 lists 1313 Dauphine to 1414 Chartres.

6 The change of address card here, which is  
7 the original change of address, cancel-  
8 ling 1414 Chartres to -- back to  
9 1313 Dauphine Street.

10 Q What if anything is the significance of the  
11 line drawn through this notation, that  
12 is from 1313 to 1414, what is the  
13 significance of this line?

14 A That means when this change cancelling the  
15 address back from Chartres Street, this  
16 line was drawn through here and this no  
17 longer, it meant the address was no longer  
18 in use.

19 Q The change of address from 1313 Dauphine to  
20 1414 Chartres would have been cancelled  
21 on 9/21?

22 A 9/21/66, that is correct.

23 Q Is that what document S-28 reflects?

24 A That is what this one reflects.

25 Q Did you deliver any mail in that area at that

time?

A I have never served in that area.

Q Is there any reason why you personally would have prepared these forms?

A At the times I was in the office working office duty because of an accident, on light or restricted duty and I was working in the office at the time.

Q Now with reference to the document, again referring to the date of September 21, 1966 and prior to the cancellation, according to the documents, where would mail addressed to 1313 Dauphine be delivered to prior to the cancellation?

A 1414 Chartres.

Q Do you know or do you have any records, or have you made an attempt to locate any records, to reflect that the date for this request for change of address was made?

A Have I made an attempt to do so?

Q Yes.

A No.

Q To your knowledge do you know if anyone has made an attempt?

A To my knowledge anyone else made an attempt

8  
1 to secure the correct date?

2 Q Yes.

3 A Yes, sir.

4 Q Yes, sir?

5 A Yes, sir.

6 Q To your knowledge has anyone obtained the  
7 record of the original change of address  
8 which would contain the date that the  
9 request was made to change the mail  
10 delivery from 1313 Dauphine to  
11 1414 Chartres Street?

12 A To the best of my knowledge those records were  
13 not located, not able to find.

14 Q These records only reflect the cancellation  
15 date?

16 A That is all.

17 Q And that would be September 21, 1966?

18 A That is right.

19 Q To your knowledge do you know who was  
20 delivering mail at 1414 Chartres Street  
1 at this time?

2 A No, I don't and cannot say.

MR. ALCOCK:

I tender the witness.

CROSS-EXAMINATION

BY MR. DYMOND:

Q Mr. Jackson, you mentioned earlier in your testimony there is a discrepancy in those records that Mr. Alcock furnished you.

A Yes.

Q Is there still a discrepancy or were you able to figure it out?

A No, I have not been able to 'cause, 'cause the forms are not filled out the way they should have been.

Q I will confess I don't quite understand what the discrepancy was and I would appreciate your showing it to me.

A Well, now, this is a change of address card. The purpose of this card is to change mail from one address to a new address.

Q Yes, I see.

A The original address being 1313 Dauphine and the new address also is listed as 1313 Dauphine Street. This is the address up here -- should have changed the mail from this address to the address down here but the two are identical and it says cancel the mail being forwarded to 1414 Chartres. If this was a change of address it should



have been different but if it was a  
cancellation it would be correct. This  
1313 Dauphine should have been up here  
in other words.

Q This exhibit, State-27, does it have any date?

A Yes, this would be the back section of this  
card.

Q What would it, or what date does it reflect?

A 9/21.

Q 9/21?

A Yes, in '66.

Q Mr. Jackson, I am referring you to the exhibit  
State-28 and directing your attention to  
the date 1966 which is written at the  
top.

A Yes, sir.

Q Was that date written there in the course of  
keeping these records or has it been  
added later?

A Now this page represents a section of a  
Removal Book and at the top the year the  
entries are made are put up here, and then  
as you get entries you enter them below  
as you go along. This was in the process  
of changing a carrier book, his book

11  
either weren't in the shape it should have  
2 been and it was either renewed or made  
3 over and all of this was my handwriting  
4 being copies from an old book to a new  
5 book.

6 Q It was in the process of making a new book and  
7 that is why '66 is reflected there?

8 A Every change of address that came in in '66  
9 is there.

10 Q When was 1966 written on here?

11 A At the time of the first removal in '66 was  
12 received and this started on the 8th  
13 month, so 1966 should have been the answer  
14 on the other side the first time.

15 Q I am talking about the particular notation on  
16 this sheet of paper.

17 A It was on there the day I filled in this slip  
18 of paper but I don't know what day I  
19 filled the paper in.

20 Q Did you write 1966 on there?

21 A Yes, I did.

22 MR. DYMOND:

23 That is all, sir.

24 REDIRECT EXAMINATION

25 BY MR. ALCOCK:

Q One question, Mr. Jackson. As a carrier, and  
if your book reflected what is reflected  
in State's Exhibit S-28 --

MR. DYMOND:

I object, Your Honor, because this is not  
a proper redirect examination.  
Counsel is now trying to get in the  
practice of the Post Office  
Department and none of which was  
covered on Cross-Examination.

THE COURT:

It is within my discretion whether I will  
permit something on redirect that  
was not brought out on cross-  
examination. The objection is  
overruled.

MR. DYMOND:

To which ruling we reserve a bill of  
exception making the entire record  
including this question, the  
objection, the reason for it, the  
testimony of the witness, the  
Court's ruling and the entire record  
part of the bill of exception.

BY MR. ALCOCK:

Q Mr. Jackson, I am trying to better understand your testimony to the effect that you mentioned a carrier book. Would you explain what you mean by that?

A Each carrier has a change of address book. This book is for the purpose of listing any redirection of mail he may have on his route. If a person moves off his route he enters it in his ledger and that give him a record that he could follow in forwarding mail, is this purpose of the book.

Q As a carrier if your book reflected what State-28 reflects, that is this line drawn through here, where would you deliver the mail directed to 1313 Dauphine Street.

A That would have been, that would be a reason for drawing the line through 1313 Dauphine Street and the only reason would be if you received another address, another change of address, then you would list the new address. You cancel this one out and list another one knowing this is no more good and that is the purpose for drawing the

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line through it.

MR. ALCOCK:

No further questions.

MR. DYMOND:

I have no questions.

THE COURT:

The witness is excused from the effects  
of the subpoena. You may go,  
Mr. Jackson.

(Witness excused)

HSCA (RG 233)

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COPY

CRIMINAL DISTRICT COURT  
PARISH OF ORLEANS  
STATE OF LOUISIANA

STATE OF LOUISIANA

versus

CLAY L. SHAW

NO. 198-059  
1426(30)  
SECTION "C"

EXCERPT FROM

PROCEEDINGS IN OPEN COURT

WEDNESDAY, February 12 and  
THURSDAY, February 13, 1969.

B E F O R E:

THE HONORABLE EDWARD A. HAGGARTY,  
JR., JUDGE, SECTION "C"

Dietrich & Pickett, Inc.  
*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130 - 522-3111

Reference copy, JFK Collection: NSA (S)

RELEASED PER P.L. 102-586 (JFK ACT)  
NARA *Shaw* DATE *11/23/93*

Reference copy, JFK Collection: HSCA (RG 233)

....oOo....

JAMES HARDIMAN,

after first being duly sworn by The Minute Clerk,  
was examined and testified as follows as a witness  
for the State:

DIRECT EXAMINATION

BY MR. ALCOCK:

Q Mr. Hardiman, by whom are you employed?

A I can't hear.

Q By whom are you employed?

A U.S. Post Office.

Q How long have you been employed by them?

A 21 years.

Q And what are your duties in connection with  
your employment with the United States  
Post Office?

A Letter carrier.

Q How long have you been a letter carrier?

A 21 years.

Q What particular part of the City do you deliver  
mail in?

A Right now it is called Lower French Quarter  
which is right off Esplanade, bounded by  
Esplanade, Elysian Fields, Burgundy, right  
to a point by the fire house and at one

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NARA DATE 11/23/93

time the route used to go down to St.  
Claude.

Q Have you been delivering mail in that area the  
entire 21 years?

A No.

Q Approximately how long have you been delivering  
mail in that area?

A 15 years.

Q Does that area include the address 1414  
Chartres Street?

A Yes.

Q Approximately how long have you been delivering  
mail to 1414 Chartres?

A 15 years. I do not believe that 1414 Chartres  
when it was in existence when I first took  
the route, I think that address came in  
existence after a while I was working on  
the route.

Q Could you approximate when?

A I can't so well give you an exact time that the  
house at 1418 Chartres where the house was  
built they sold the old, they had slave  
quarters on the side and the gentleman  
sold the other section of the house when  
that was built and that was when 1414

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NARA DATE 11/23/93



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Chartres came in existence.

4

Q Do you know who resides at 1414 Chartres Street?

A Mr. Jeff Biddison.

Q How long have you been delivering mail to Jeff Biddison?

A As long as the address is in existence.

Q Mr. Hardiman, referring you to the year 1966, I ask you whether or not you had occasion to deliver letters to 1414 Chartres Street that were addressed to Clay Shaw at the address 1313 Dauphine?

A The mail addressed to Clay Shaw addressed to 1313 Dauphine was forwarded by another carrier to me to be delivered to 1414 Chartres Street.

Q Could you approximate during this period of time how many letter addressed to Clay Shaw at 1313 Dauphine were delivered to 1414 Chartres?

A No, I can't because some days a fellow may tie a couple of them together and put them in a, what we call a "direct" or maybe it'd be just one letter or so. I had quite a few delivered but the exact number, it'd

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DATE 11/23/93  
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1 be hard for me to determine but it was a  
2 sum of letters.

3 Q During the time of this change of address when  
4 you were delivering mail addressed to  
5 Clay Shaw at 1313 Dauphine to 1414  
6 Chartres did you have occasion to deliver  
letters addressed to a Clem Bertrand?

MR. DYMOND:

I object as leading, Your Honor.

THE COURT:

Rephrase the question.

BY MR. ALCOCK:

Q Did you deliver any other letters to 1414  
Chartres Street other than those of  
Mr. Biddison and the Defendant, Clay Shaw,  
during this period of time?

7 A Yes, I have delivered quite a few names there  
8 to Mr. Biddison's address.

9 Q During this period of time of this change of  
0 address when you were delivering letters  
1 addressed to Clay Shaw at 1313 Dauphine  
2 to 1414 Chartres Street, did you have  
3 occasion to deliver mail of anyone else  
4 to that address during that time?

5 A If you could just phrase that where I could

Reference copy, JFK Collection:

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NARA *[Signature]* DATE 11/23/93

answer you direct to things of this case  
but things not direct and names, that I  
am not allowed to give out but if you can  
make a statement, Your Honor, to it I am  
-- will try to answer.

THE COURT:

I think your answer is very plain.

THE WITNESS:

I can give him the name he seeks, the name  
we delivered mail addressed to  
Clem Bertrand to that address but  
other names I wouldn't be able to  
tell you 'cause that is Post Office  
affairs and Post Office affairs we  
are not allowed to disclose.

Far as Clay Shaw, Clem Bertrand,  
I have had occasion to deliver mail  
addressed to Clem Bertrand.

BY MR. ALCOCK:

Q Where?

A To 1414 Chartres Street.

Q Approximately Mr. Hardiman, how many letters  
addressed to Clem Bertrand were delivered  
to 1414 Chartres?

A Give you an exact number --

Q I don't want an exact number.

A It'd be a little difficult 'cause I handle enough of them that when this name broke out in the news media I was able to recall and if it was one letter maybe I wouldn't have overlooked it but I handled enough when the name came out it come back to me that that name I handled mail for it so it had to be a few letters or several letters.

Q These letters addressed to Clem Bertrand that you delivered to that address, did you ever know or recall noting a return address on these letters?

A In working we hardly paid any attention to return addresses until it becomes delivery addresses, we works with the addresses we see in front of us and when we deliver that mail we don't pay attention to the return but if the mail is give back that is when the return address becomes a factor.

Q Mr. Hardiman, --

A But they had something up there.

Q Mr. Hardiman, were any of the Clem Bertrand

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NARA DATE 11/23/93

letters that you delivered at 1414 Chartres 8  
Street ever returned to you?

A I have never recalled getting any of them back.

Q Can you recall, Mr. Hardiman, and only if you  
can recall this, were these Clem Bertrand  
letters addressed in script or typewritten?

A Nice handwriting, handwriting, very clear and  
no difficulty in distinguishing it at all.

Q Do you recall whether or not the envelopes were  
business envelopes or personal size?

A They were more personal size.

Q Can you recall, Mr. Hardiman, whether or not any  
of these letters were foreign mail?

A Well, I can't so well tell you. They all looked  
like they were local 'cause I think all  
the stamps were in the United States.

7 Q You mean local, City of New Orleans?

8 A No, within the U.S., mailed within the U.S.

9 Foreign mail, we refer to it as mail "out  
10 the country."

11 Q Are you presently delivering any letters addres-  
12 sed to Clay Shaw at 1313 Dauphine?

13 A That is not my section.

14 Q I say are you presently delivering any letters  
15 addressed to Clay Shaw at 1313 Dauphine to

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NARA *[Signature]* DATE 11/23/93

1414 Chartres?

A No.

Q Have you had occasion during the long period of time you have been delivering mail to 1414 Chartres to other than this period of time deliver any letters addressed to Clay Shaw which were addressed to 1313 Dauphine to 1414 Chartres?

A The mail wouldn't be delivered to -- since all they do is forward the mail and the mail would go back to the address that was alive.

Q Perhaps I didn't make myself clear; other than this time you were delivering Clem Bertrand letters to 1414 Chartres, and Clay Shaw letters to 1414 Chartres, was there any other time during the 15 years that you were also delivering Clay Shaw letters to 1414 Chartres?

A The only time I remember Clay Shaw coming through is when it was forwarded to me by this other carrier and I asked him to verify it when I first got it and he said "Yes, it is a good address," for me to deliver it, "it was a good forwarding

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1 address," and that was the only time until 10  
2 the order came through for it not to be  
3 delivered anymore.  
4 Q Do you know as a matter of your own knowledge  
5 what kind of automobile Jeff Biddison  
6 owned?  
A I have seen him in different cars, but I don't  
know all the cars 'cause I don't pay  
attention to makes of cars of the cars in  
the street.  
Q During this period of time do you recall ever  
seeing him in an automobile at his  
residence?  
A Yes, I have seen automobiles in his driveway  
but far as paying attention to the car and  
that, it didn't strike me to pay any  
attention to it.  
17 Q Mr. Hardiman, I'm going to show you what I have  
18 previously marked for purposes of identi-  
fication as State-27, -28, and -29, and ask  
you if you recognize these type forms?  
This is a form out of one of our removal books,  
a 1364. This page is, I don't know out of  
whose books it is 'cause we have different  
routes but this page is not out of mine,

Reference copy, JFK Collection: HSCA (RG 233)

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DATE 11/23/93  
NAMA *[Signature]*

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'cause the address is here, none of the removal addresses, none of them correspond with any addresses on my route so it wouldn't be mine but this come out of another carrier's.

11

This is a copy of a form to change, a change order on a change of address form. This is what we use among us when -- When a patron signs a change of address and gives us a forwarding address, then the man that had it last when he gets another change, he sends him a card to change him which is instead of having the mail go around, we just send it through.

Q These are not your files?

A Sir, this form here, this form, this and this is the reverse side of that. This is a page out of a carrier's removal book but not out of mine.

Did you deliver mail to 1313 Dauphine Street?

No, never.

MR. ALCOCK:

Thank you, that's all.

MR. DYMOND:

Your Honor, I assume we are going after



1 5:30?

12

2 THE COURT:

3 Well, it is about 22 minutes after the  
4 hour roughly and there's only 8  
5 minutes so if it is going to be a  
6 prolonged examination with the pos-  
sibility of re-direct and re-cross,  
I prefer that we stop this now for  
the day.

Again, gentlemen, under the law  
of Louisiana I must admonish you not  
to discuss this case amongst your-  
selves or any other people.

MR. ALCOCK:

Prior to adjourning for the day, Your  
Honor, let me at this time offer to  
introduce and file in evidence, hav-  
ing marked same State-27, -28 and -29 --

MR. DYMOND:

We object in view of the fact this  
gentleman testified it was not a  
photostat of the sheet he himself  
used.

THE COURT:

I think he used another witness.

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RELEASED PER P.L. 102-686 (JFK ACT)  
NANA *Stuch* DATE 11/23/93

1 MR. ALCOCK:

13

2 Certainly another witness identified them  
3 that he made them out. He didn't  
4 have 1313 Dauphine Street personally  
5 and it is not his sheet.

6 THE COURT:

7 With that explanation do you have any  
8 objection?

9 MR. DYMOND:

10 We do on the ground it has not been con-  
11 nected with this Defendant at all.

12 THE COURT:

13 The objection is overruled and I will  
14 permit it in evidence.

15 MR. DYMOND:

16 To which ruling I reserve a Bill of  
17 Exception making the exhibit State-27,  
-28 and -29 parts of the bill togeth-  
er with the testimony of this witness  
and all the testimony to date and the  
Defense's objection and The Court's  
ruling.

18 THE COURT:

19 Mr. Hardiman, you are going to be excused  
and to return on your own, sir, but I

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DATE 11/23/98  
NANA [Signature]

Reference copy, JFK Collection: BSCA (RG 233)

RELEASED PER P.L. 102-596 (JFK ACT)  
DATE 11/23/93

do not wish you to be interviewed  
or spoken to by anyone, and particu-  
larly newspaper reporters. You are  
still under oath and you have to  
return tomorrow morning at 9:00  
o'clock and since you were called by  
the State, you are what we call a  
State's witness, if they wish to  
speak to you it'll be all right but  
otherwise don't let anyone speak to  
you as to what you should testify to  
or what you have testified to. In  
other words, don't let anybody try to  
harrass you by trying to ask you  
questions.

... At the hour of 5:27 o'clock p.m.  
The Court recessed for the day. ...

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Reference copy, JFK Collection:

RELEASED PER P.L. 102-566 (JFK ACT)  
NARA *duff* DATE 11/23/93

1 . . . . . Pursuant to the adjournment, the  
2 proceedings herein were resumed at 9:05 o'clock a.m.  
3 on Thursday, February 13, 1969, appearances being  
4 the same as heretofore noted in the record . . . . .

5 THE COURT:

6 Make a note that the jury is present and  
7 Counsel for the Defense and for the  
8 State are present.

9 Are you ready to proceed,  
10 gentlemen?

11 MR. DYMOND:

12 We are ready.

13 MR. ALCOCK:

14 The State is ready.

15 THE COURT:

16 All right. I believe the status of the  
17 matter is that Mr. Hardiman has been  
18 tendered for cross-examination.

19 MR. DYMOND:

20 Right.

21 THE COURT:

22 You may proceed.

23 Mr. Hardiman, you are reminded  
24 that the oath taken yesterday is still  
25 binding.

15

THE WITNESS:

16

2 Yes, sir.

3 ...oOo...

4 JAMES HARDIMAN,

5 having been sworn and having testified previously,

6 resumed the stand and was examined and testified

7 as follows:

8 CROSS-EXAMINATION

9 BY MR. DYMOND:

Q Mr. Hardiman, you have mentioned certain letters  
that you say you delivered to 1414  
Chartres Street?

A (The witness nodded affirmatively.)

Q Approximately how many of these letters were  
there, sir?

A Which letters are you speaking of?

Q The letters that you say were addressed to  
Clem Bertrand.

Well, I had enough of them to have found that  
when the name came in the newspaper it  
came back to me that I found some. Now,  
as far as worrying about or counting mail  
or how many pieces of mail I counted, I  
couldn't do nothing like that, but I  
handled quite a few of them so that when

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the name became in the paper or news media, it was easy for me to recognize, I have delivered the mail, I have seen it.

Q Could you tell us about how many of them you handled?

A Oh, approximately -- it is pretty hard -- could have been a few, could have been several, so let's strike an intermedium in between somewhere, along through about -- I know I had several, and if I can speak and tell you why that mail kind of come to memory a little bit more, it is all right. One particular thing about that particular mail, it was in a brown envelope, looked like wood, and that is what drawn my attention to the letter just a little bit more, 'cause it was a wood-grain type of paper.

Q Now, didn't you say yesterday these envelopes were in little bundles?

I said sometime mail that was addressed to a Mr. Clay Shaw forwarded to me from another carrier, sometimes put them together, but the Clem Bertrand mail just came individual, just addressed.

HSCA (RG 233)

Reference copy, JFK collection:

NARA

RELEASED PER P.L. 102-586 (JFK ACT)  
DATE 11/23/93

1 I see.

2 A But sometimes -- well, we do that when we get  
3 maybe three or four pieces of mail together,  
4 put a rubberband around it and pass it to  
5 another carrier, long as it is in the  
6 station.

Q Would you say there were as many as 15 or 20  
of these Clem Bertrand letters?

A No, it was not that many.

MR. ALCOCK:

Object, Your Honor.

BY MR. DYMOND:

Q Would you say as many as 10?

MR. ALCOCK:

Objection, Your Honor.

THE COURT:

Sustain the objection. I believe the  
witness has given you as good an  
answer as he can. I suggest you go  
to another field.

MR. DYMOND:

If The Court please, I have a right to  
test the credibility --

THE COURT:

You can't ask him 50 times and hope he

finally comes up to a --

19

MR. DYMOND:

If The Court please, I ask you to search  
the record and find one other time  
when I have asked him if there were  
as many as 10.

THE COURT:

All right, you may proceed.

BY MR. DYMOND:

Q Were there as many as 10 of these letters?

A That is a hard thing to say. We don't count  
no mail we deliver. I do not go along,  
none of the carriers will be counting  
mail, how many for this person, we just  
deliver it, but I had to handle enough of  
them to remember, because if I would have  
handled just maybe one letter I might not  
have ever paid attention to the name  
again.

Now, Mr. Hardiman, didn't you talk with

Mr. Biddison about this matter just a short  
while ago?

Mr. Biddison came out his house, and he asked  
me, told me he was surprised --

THE COURT:

HSCA (RG 233)

Reference copy, JFK Collection:

RELEASED PER P.L. 102-586 (JFK ACT)  
NAMA *duff*  
DATE 11/23/93



Reference copy, JFK Collection: HSCA (RG 233)

RELEASED PER P.L. 102-596 (JFK ACT)  
DATE 11/23/93  
NARA

Wait, that is hearsay.

20

MR. ALCOCK:

That is hearsay, Your Honor.

THE COURT:

I sustain the objection.

MR. DYMOND:

Your Honor, the answer wasn't responsive.

He had to say yes or no.

MR. ALCOCK:

I notice you didn't stop him.

MR. DYMOND:

It is not my job to stop him.

THE COURT:

You may proceed. You cannot tell us what  
this gentleman told you. You can say  
you spoke to him but that is as far as  
you can go.

THE WITNESS:

He spoke to me, I didn't speak to him, he  
spoke to me.

MR. DYMOND:

Is it your testimony you didn't say anything at  
that time?

What, to him?

That is right.

Reference copy, JFK Collection: HSCA (RG 233)

RELEASED PER P.L. 102-696 (JFK ACT)  
DATE 11/23/93  
NARA

I spoke to him and I told him the same thing I am telling you.

21

3 Q Now, isn't it a fact that on that occasion you  
4 told Mr. Biddison that there were less  
5 than five of these letters?

6 A I didn't give nobody no number at no time, I  
didn't specify no number. I told him  
there was some and I couldn't specify a  
number.

Q You are sure about that?

A No, I could not specify, because I do not count  
it.

Q Now, did you say these envelopes were addressed  
to Clay Bertrand or Clem Bertrand?

1 A Clem, C-L-E-M.

1 Q Clem Bertrand?

17 A Yes.

18 Q And how did the rest of the address read on  
19 that?

20 Well, it was addressed to a Mr. Clem Bertrand,  
21 1414 Chartres, New Orleans, Louisiana.

22 You mean the Post Office had not changed the  
23 address on there from 1313 Dauphine?

24 The Post Office changed no address on no  
25 letters, all mail is changed by the person

-- they sent it addressed; when it is addressed to a route, we deliver it. When I get a change of address or any other carrier get a change of address, he draws a line through that address that it was addressed to and put the other address which he has an order to forward it to.

Q Now, that is what I want to find out from you, Mr. Hardiman. Had the addresses on these envelopes been changed or had they been originally addressed to 1414 Chartres?

A All the Clem Bertrand mail came directly addressed, it was never forwarded, it was direct. Whoever sent it, it was direct-addressed 1414 Chartres by the sender.

Q Oh. In other words, the order which was made out at the post office to have Mr. Shaw's mail sent to the Chartres Street address had nothing to do with this delivery then, is that correct?

Not the Bertrand.

I see.

Mr. Shaw mail had an order to change his address to 1414 Chartres.

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RELEASED PER P.L. 102-586 (JFK ACT)  
DATE 11/23/93

Q I see. Now, in other words, as I understand  
your testimony, these letters that you  
have referred to were originally addressed  
by the sender to 1414 Chartres Street, is  
that right?

A The Bertrand mail?

Q That is right.

A -- was sent to 1414 Chartres.

Q And they were not sent to 1414 Chartres Street  
as a result of a change-of-address order  
which had been executed at the Post  
Office, is that right?

A No, they hadn't.

Q Now, I understand you have been on this same  
route for quite a number of years,  
Mr. Hardiman. Is that right?

A That is right.

Q And you have been delivering mail to 1414  
Chartres Street I think you testified ever  
since that building was constructed there?  
Not the building constructed, I said when that  
address became in existence.

A h, I see.

told that, that address was -- well, anyway  
the house next door was built, and they

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RELEASED PER P.L. 102-536 (JFK ACT)  
DATE 11/23/93  
NANA

had what you call slave quarters --

2 Q Slave quarters?

3 A -- and the man sold it. As I was told, he  
4 sold part of the building, and that is  
5 when that address came into existence.

6 Q And about how long ago was that, sir?

7 A I don't know. I could strike -- say around  
8 maybe 10 years -- I don't know if it  
9 could be longer.

0 Q Now, has Mr. Biddison been living there all  
1 that time?

2 A I think he was the first man to be -- the first  
3 one that I have had at that address.  
4 Facts, I think he is the one that bought  
5 the property.

6 Q Now, since that municipal address has come into  
7 being there at 1414 Chartres Street, have  
8 you had other occasions to deliver other  
9 mail there which was addressed to people  
0 other than Mr. Jeff Biddison?

That is right, I have.

You have. Have you ever delivered any mail  
there addressed to Mr. James Biddison?

James Biddison? Most probably I could have, I  
wouldn't say for sure, but I mean I am

ESCA (RG 233)

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NAME *Smith* DATE 11/23/93

interested in the address and if I see  
"Biddison," that is good enough, and the  
address, I deliver it there.

25

19

Q Have you ever delivered any mail there addressed  
to Mr. Fred Tate?

A I have.

Q You are sure about that?

A (The witness nodded affirmatively.)

Q When was that, sir?

A I can't recite exactly the dates.

Q What year, what month?

A That is kind of back, but, let's see, I remove  
his name out of my removal book, so that  
would be better than two years ago that,  
I mean, I had --

Q Have you ever delivered any mail to that  
address, that is, 1414 Chartres Street,  
addressed to a Mr. Cliff Boudreaux?

Yes.

Are you sure about that?

I have seen that name before.

Not only have you seen that name before but you  
have delivered mail to 1414 Chartres Street  
addressed to him, is that correct?

Yes.

HSCA (RG 233)

Reference copy, JFK Collection:

RELEASED PER P.L. 102-586 (JFK ACT)  
DATE 11/23/93

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Could you tell me approximately when that was?

I wouldn't expect you to be exact.

That haven't been too long ago.

It hasn't been? About how long ago?

Let's see. I think I have had -- I know --

Whether it be after -- I don't know if I  
had any since after the 1st of the year or  
not, but it is not regular, but I do get  
mail for that name.

For Mr. Cliff Boudreaux at 1414 Chartres  
Street? Is that right?

Yes.

Now, Mr. Hardiman, if I told you I just made  
that name up, would your testimony be the  
same?

Well, I wouldn't know. How would I know who  
made up a name and sent something there?

But still you say you delivered Cliff Boudreaux  
mail to 1414 Chartres Street?

Maybe you have made it up, but I have delivered  
Boudreaux mail there, too. Now, maybe  
the "Cliff" might not be correct.

How about Mrs. Jeff Evans? Have you ever  
delivered mail to 1414 Chartres Street  
addressed to her?

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RELEASED PER P.L. 102-686 (JFK ACT)  
NAME Cliff DATE 11/23/93

1 A I wouldn't say. That could be the one gets  
2 the check there, could be his mother.  
3 Q Now, you remembered the name Clem Bertrand,  
4 didn't you?  
5 A Yes, because that was right in the newspapers.  
6 If I had some reason to be thinking about  
all the other names-- there are quite a  
few things that people have become involved  
in things, or thing they have done, and  
their name come back to me very easy when  
I see it.  
Q Well, now, what special thing made you remember  
the name Cliff Boudreaux?  
A Nothing special. I mean I see the name and you  
refer my memory to it. I mean I wouldn't  
-- like you said, you could have made it  
up, maybe you did, but I have delivered  
mail.  
Q To 1414 Chartres Street to Cliff Boudreaux,  
right?  
(The witness did not respond.)  
Q How about Sherman Schroeder? Have you ever  
delivered any mail to 1414 Chartres Street  
addressed to a person by that name?  
That I can't recall.



Reference copy, JFK Collection: HSCA (RG 233)

RELEASED PER P.L. 102-636 (JFK ACT)  
DATE 11/23/93  
NARA

1 Q I will ask you the same question concerning  
2 Lee Begnard.  
3 Q Begnan or Begnard?  
4 Q Begnard, B-E-G-N-A-R-D.  
5 A That is another name I can't recall. I have  
delivered quite a few different names in  
there, but I can't recall everybody's name.  
Maybe I haven't. Maybe I didn't handle as  
many pieces of mail, that is why I don't  
recall the name.  
Q But you do not recall that name, is that right?  
A I don't recall that name, no.  
Q Have you ever delivered any mail to 1414  
Chartres Street addressed to a Mr. Charles  
Bunker, B-U-N-K-E-R?  
A That is another name I can't recall.  
17 Q You can't recall that? You can't recall  
18 delivering any mail there addressed to him?  
19 A I have delivered so many, I mean different  
names in there, quite a few, and I can't  
recall every name. Maybe I haven't  
handled that many of them. If I have one  
or two letters, probably I deliver them  
and don't pay no more attention. I have  
no more so there is nothing to recall.

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Reference copy, JFK Collection: ESEA (RG 233)

RELEASED PER P.L. 102-686 (JFK ACT)  
NARA *Handwritten*  
DATE 11/23/93

But are there -- there are some of them that  
you can remember, is that right?

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3 A That is right, I can remember, just like a lot  
4 of addresses, I can remember a lot of  
5 addresses, and a lot of them, I have to  
6 refer to my book. I can't remember every-  
7 thing, I am not that good.

8 Q But you have been able to remember Clem  
9 Bertrand, and you have been able to  
10 remember Cliff Boudreaux? Is that right?  
11 Those two you can remember?

12 A Well, there is a Boudreaux. If I am not mis-  
13 taken, that mail is being delivered -- at  
14 least I assume it is still being deli-  
15 vered -- that is an assumption, but I  
16 mean --

17 Q Have you ever delivered any mail to that  
18 address addressed to a Mrs. Jeff Evans?

19 A That sounds familiar, that strikes a familiar  
note, but I couldn't --

1 Q I am not hurrying you, Mr. Hardiman. If you  
want to stop and think --

2 A But Evans I can't --

3 Q -- you are at liberty to do so.

4 A Evans I can't place so well, but there was --

but I can't think of a Miss --

30

Q Not Miss, Mrs.

A That name is very familiar, but I mean to  
really tell you yes or no --

Q Are you able to connect that name at all with  
1414 Chartres Street?

A Where I have put it along on Chartres would be  
a little bit hard for me to remember, but  
I have handled mail for that name.

Q You have?

A Yes. Whether I could put it on Chartres --

Q How about Lyda, L-Y-D-A Biddison. Have you  
ever delivered any mail addressed in that  
way to 1414 Chartres?

A Standing in there in the case, you have to push  
mail in that case pretty fast in the morn-  
ing, you don't have a chance to be looking  
at the full names. If I see the address,  
and like that address is a one-delivery;  
if I get goodness knows how many names,  
that goes into one box, nothing about  
separating, I just put them all into one  
box. If it was an apartment house with  
multi-delivery, then I have to be a little  
more careful to get the names in the box,

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RELEASED PER P.L. 102-586 (JFK ACT)  
DATE 11/23/93  
NARA

and it makes me pay more attention to names, but names in that place -- I deliver them at 1414 Chartres, and what Biddison name be on it, I don't pay attention to the first name.

31

32

Q Could you tell me approximately how many blocks long and how many blocks wide your route is, Mr. Hardiman?

A Well, now, approximately, maybe a 60, but at one time it was 85, approximately 85 blocks.

Q Now just a minute. I think you have probably made a mistake. You don't mean 85 blocks long?

A We consider a block as a block, one side, not a square. That is a square, but a block is just one side, like you have Tulane in front of this building, we consider that one block.

Q In other words, every day you would walk about 60 or 80 blocks, is that right?

A Yes. When I had -- Before the adjustment came on the route -- see, routes became adjusted according to the volume of mail -- volume get heavy, have to make up the difference, cutting down some amount

Reference copy, JFK Collection.

RELEASED PER P.L. 102-56 (JFK ACT)  
DATE 11/23/93  
NARA

of territory we have.

2 Q Let's go back to June to September of 1966.

3 Could you tell us about how large your  
4 route was at that time?

5 A I think I might have had about 70-some blocks  
6 in my route.

7 Q About 70 some odd blocks?

8 A (The witness nodded affirmatively.)

9 Q About how many houses were there to the block,  
10 on an average, Mr. Hardiman?

11 A That is pretty hard, but I can say I had about  
12 800 possible stops and maybe a thousand  
13 deliveries.

14 Q About 800 possible stops and a thousand  
15 deliveries. Now, the difference in those  
16 two figures, would that be because there  
17 are some houses that have more than one  
18 occupant?

One has multi deliveries and some has single  
deliveries.

I see. In other words, you would have roughly  
a thousand regular addressees on your  
route, is that right, people to whom mail  
could be addressed?

Yes.

Reference copy,

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NAME Quill DATE 11/23/93

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RELEASED PER P.L. 102-56 (JFK ACT)  
NARA DATE 11/23/93

1 Q Now, when was the first time that you found out 33  
2 that the name Clem or Clay Bertrand entered  
3 into the investigation of the assassination  
4 of President Kennedy?  
5 MR. ALCOCK:  
6 Object to the form of the question.  
7 Mr. Hardiman never said Clay Bertrand,  
8 he always said Clem Bertrand.  
9 THE COURT:  
10 Would you rephrase your question,  
11 Mr. Dymond?  
12 BY MR. DYMOND:  
13 Q When is the first time that you ever heard or  
14 learned the name Clem Bertrand entered into  
15 the assassination of President Kennedy?  
16 A It was in the news. I couldn't give you a date  
17 or time because I paid no attention to such  
things, but when it became in the news-  
papers and television, that is when the  
name became -- I mean in my memory, I know  
I had seen it in newspapers and just  
refreshed me.  
Q Now, you knew about it when the Warren  
Commission was conducting its investigation  
into the assassination, didn't you?

MR. ALCOCK:

Object, Your Honor. There was no mention  
of Clem Bertrand in the Warren  
Commission's Report.

MR. DYMOND:

If The Court please, mention of the name  
Bertrand, and that is what I am going  
to ask him.

THE COURT:

You can ask if it rings a bell. You can  
ask the question.

MR. DYMOND:

You knew about it when the Warren Commission  
was conducting its investigation?

Honest and truly, I never read any part of the  
Warren Commission or anything.

Q You read in the newspapers they were conducting  
an investigation?

Yes, but as far as what names in it, I didn't.

I never read the Warren (Commission  
Report), didn't take time to read it.

So then the first time that you ever heard the  
name Clem Bertrand was when the District  
Attorney's Office here commenced its  
investigation? Is that right?

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DATE 11/23/93

Reference copy, JFK Collection: HSCA (RG 233)

RELEASED PER P.L. 102-546 (JFK ACT)  
DATE 11/23/93  
NARA

1 A That is right.

2 Q Now, when did you first talk to a representa-  
3 tive of the District Attorney's Office?

4 A I don't know exact dates, but they were --

5 Q Just approximately when was it, Mr. Hardiman,  
6 about how long ago?

7 A Oh, let's see. I don't know. It may have been  
8 less than a year ago, not that long. I  
9 don't know the dates, but let's say about  
10 eight months ago, that would be about it,  
11 maybe it would be less or -- I don't know,  
12 I am just giving you an estimated time,  
13 something of that sort.

14 Q You would say it was less than a year ago, is  
15 that right?

16 A I am more than sure it is less than a year ago.

17 Q In other words, it was long after March of  
18 1967, isn't that right?

19 A That is right. May I answer you a little  
20 further?

21 Q Sure. Go ahead.

22 A Well, when this thing first broke into the news,  
23 there was some carriers were being called  
24 to the District Attorney's Office, and for  
25 reasons the Inspectors stopped them and

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Reference copy, JFA Collection

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told them if they wanted them, they had to be subpoenaed, so that might have been the difference in the delay of time when some of the other fellows were brought in and the time that I was called, because when I got my subpoena I don't know what date it was.

Q Now, did you ever come and volunteer your statement to the District Attorney's Office, or were you subpoenaed?

A I had a subpoena.

Q Did you ever go and volunteer this information to your superiors in the Post Office Department?

A Volunteer? I spoke to a lot of people but not superiors in the Post Office, but I spoke to quite a few people.

You didn't go to the Postmaster and tell him about it, did you?

Oh, I didn't go to the Postmaster and tell him about it. The only time I spoke with the Postmaster was the day I got my subpoena to come to court, and I just wanted to verify just what I was allowed to say and how much I could say.

36 37

1 THE COURT:

2 Mr. Dymond, just a minute.

3 The Post Office Department can't  
4 tell you what to say and what not to  
5 say. You are supposed to tell the  
6 truth at all times.

7 THE WITNESS:

8 Yes, but I meant in the lines of things  
9 from memory I am allowed to testify,  
10 and the things that is records, you  
11 all had to subpoena the Post Office  
12 for it.

13 THE COURT:

14 All right. You may proceed.

15 BY MR. DYMOND:

16 Q Now, Mr. Hardiman, let me ask you what special  
17 event fixes the particular period of time,  
that is, between June and September 1966,  
in your mind as the time during which you  
delivered these Clem Bertrand letters to  
1414 Chartres Street.

A Well, I mean after I seen the newspapers, well,  
it just came to me that I have handled  
those names -- other names that was  
involved -- I mean I seen it and I know I

1 handled the mail and a few people I spoke  
2 to, and someone -- I spoke out of line to,  
3 too, because they did notify the District  
4 Attorney's Office.

5 Q Now --

6 A Someone in the street, I had mentioned, I guess,  
to them of delivering Mr. Clem Bertrand  
and Mr. Clay Shaw mail to the same  
address, and they called in to the  
District Attorney's Office and reported  
it.

Q Now, Mr. Hardiman, try to remember back and  
tell us approximately at what date, at  
what time you learned that the name  
Clem Bertrand had something to do with  
this case.

17 A As far as dates, I couldn't give you a date.  
As I keep telling you, I only paid atten-  
tion to it when it came in the news  
media, on television and that, but I  
didn't pay any attention to dates.

Q Well, now, if you were so careless about dates,  
how --

MR. ALCOCK:

Object to the question, Your Honor.

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DATE 11/23/93

1 THE WITNESS:

2 There is no carelessness about it.

3 BY MR. DYMOND:

4 Q Well, if you don't pay attention to dates, how  
5 were you able to pinpoint the time of  
6 these deliveries as being between June and  
7 September of 1966?

8 A We didn't have to worry about pinpointing that,  
9 those records were in that change of  
10 address. If you have that slip there, you  
11 might have seen where a change of address  
12 was probably filed for Clay Shaw over to  
13 this address that I worked. Then when that  
14 order came through to cancel that order,  
15 that was the time right there.

16 Q Oh, I see. So then your testimony as to when  
17 these letters were delivered is not based  
upon your memory, it is based upon the  
change-of-address card from the post  
office, is that right?

A That is right. That is the only thing I can  
go by with dates, I couldn't go by memory  
and tell you that, but when the order was  
for me to deliver those letters of  
Mr. Clay Shaw, they was delivered, and

39

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1 Clem Bertrand mail came along at the same  
2 period of time. Then when the order came  
3 through for the other carrier to cancel  
4 his forwarding of his mail to me, the other  
5 mail stopped, to.

6 Q Well, now, didn't you tell me that the Clem  
7 Bertrand letters were addressed directly  
8 to 1414 Chartres Street?

9 A They were.

10 Q -- and had nothing to do with the change-of-  
11 address order?

12 A That is right, they were direct-addressed, but  
13 the mail stopped coming. I had no  
14 reason -- I couldn't deliver what I don't  
15 get, no more of it came to me, it stopped.

16 Q Now, one other question here. Could you tell  
17 me approximately the last date ~~on~~ which  
you delivered a letter addressed to  
Cliff Boudreaux to 1414 Chartres Street?

A No, I couldn't say that, give you a date on it,  
because I --

2 Q Has it been within the last six months?

3 A If I had mail for Cliff Boudreaux, it would be  
4 less than six months.

5 Q Less than six months.

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1 MR. DYMOND:

2 That is all.

3 MR. ALCOCK:

4 No further questions.

5 (Witness Excused.)  
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JFK ASSASSINATION SYSTEM

IDENTIFICATION FORM

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AGENCY INFORMATION

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RECORD NUMBER : 180-10099-10052  
  
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AGENCY FILE NUMBER : 002019

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INDEX

Abraham Zappella  
Robert West

COPY TO

Robert Blakey  
Gary Cormwell  
Kenneth Klein  
Charlie Mathews  
Jim Wolf  
Donovan Gay  
Jackie Hess  
Cliff Fenton

Team #1

Team #2

Team #3

Team #4

Team #5

Form #2



**CRIMINAL DISTRICT COURT****PARISH OF ORLEANS****STATE OF LOUISIANA****STATE OF LOUISIANA****versus****CLAY L. SHAW****NO. 198-059****1426(30)****SECTION "C"****EXCERPT OF****PROCEEDINGS in Open Court on****February 13, 1969****B E F O R E :****HONORABLE EDWARD A. HAGGERTY, JR.****JUDGE, SECTION "C"****Dietrich & Pickett, Inc.***Stenotypists*333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130 - 522-3111

## I N D E X

i

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
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Abraham Zapruder	2,	76		
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Robert West	19	65	73	75
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## E X H I B I T S

EXHIBIT NO.	OFFERED	IDENTIFIED	RECEIVED
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S-34	16,	48	
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S-35	16		
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S-36	17,	49	
------	-----	----	--

S-37		84	94
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AFTERNOON SESSION

2

1  
2 THE COURT:

3 Is the State and the Defense ready?

4 MR. ALCOCK:

5 We are ready, Your Honor.

6 MR. DYMOND:

7 Defense is ready, Your Honor.

8 THE COURT:

9 You may proceed.

10 ...oOo...

11 ABRAHAM ZAPRUDER,

12 after first being duly sworn, was examined and  
13 testified on his oath as follows:

14 THE COURT:

15 The spelling of the witness' name is

16 Abraham Zapruder, Z-A-P-R-U-D-E-R,

17 is that correct?

18 THE WITNESS:

19 Z-A-P-R-U-D-E-R, correct.

20 THE COURT:

21 Very well, you may proceed.

22 DIRECT EXAMINATION

23 BY MR. OSER:

24 Q State your name for the record, please?

25 A Abraham Zapruder.

1 Q Where do you live, Mr. Zapruder?

2 A 3909 Marquette, Dallas, Texas.

3 Q Mr. Zapruder, what is your occupation?

4 A I manufacture ladies' dresses.

5 THE COURT:

6 I can't hear you.

7 THE WITNESS:

8 I manufacture ladies' dresses.

9 MR. OSER:

10 I don't believe it is coming over that

11 mike at all.

12 THE COURT:

13 I think the engineer is here. See if

14 someone can fix this microphone.

15 Say, "one, two, three, four," and

16 see if the man in the back row can

17 hear you.

18 THE WITNESS:

19 One, two, three, four.

20 THE COURT:

21 Can you speak a little louder?

22 THE WITNESS:

23 Yes, I can.

24 THE COURT:

25 Try one more time. Let's go.

1 BY MR. OSER:

2 Q Mr. Zapruder, during November, 1963 what was  
3 your occupation?

4 A I can hardly hear you now.

5 Q During November of 1963, what was your  
6 occupation?

7 A The same.

8 Q Where is your business located in Dallas?

9 A 501 Elm Street.

10 Q Does the business location have a name to the  
11 building?

12 A Yes, it is the Daltex Building.

13 Q I direct your attention to the date of  
14 November 22, 1963, and ask you where you  
15 were at approximately 12:15 p.m. on that  
16 date?

17 A 12:15 p.m. I was looking for a place where  
18 to stand so I would be able to take  
19 pictures of the arrival of the President.

20 Q Was anybody with you at this time?

21 A Yes, one of my secretaries.

22 Q Did you find such a location?

23 A After three attempts, yes.

24 Q What location did you decide upon?

25 A There was a concrete abutment about 4 feet

1 tall and that's where I decided to stay.

5

2 MR. OSER:

3 What is the next exhibit number?

4 THE MINUTE CLERK:

5 Thirty-three.

6 BY MR. OSER:

7 Q Mr. Zapruder, I show you what the State has  
8 marked for the purpose of identification  
9 as S-33, and ask you if you have ever  
10 seen this exhibit before?

11 A You mean this picture?

12 Q Yes, sir.

13 A Yes.

14 Q Do you recognize what is depicted in that  
15 photograph, sir?

16 A Are you referring to my --

17 THE COURT:

18 You are not going to have a private  
19 conversation. Everything is  
20 supposed to go into the record, so,  
21 speak into the microphone loud and  
22 clear.

23 THE WITNESS:

24 What is the question?

25 BY MR. OSER:

1 Q Do you recognize anything depicted in that  
2 photograph, sir?

3 A Yes.

4 Q What do you recognize?

5 A I recognize myself standing there with my  
6 secretary on the aforementioned 4 foot  
7 concrete abutment.

8 Q Would you circle for me the location with this  
9 pen on the photograph where you say you  
10 are depicted?

11 A Okay.

12 Q Mr. Zapruder, while you were standing on this  
13 concrete abutment did you do anything in  
14 particular in regard to what you were  
15 waiting to see and hear?

16 A Did I do anything?

17 Q Yes, sir, did you have anything with you and  
18 did you do anything?

19 A I had a camera with me.

20 Q What type of camera did you have?

21 A A Bell & Howell motion picture camera,  
22 8 millimeter, with a zoom lens.

23 Q Can you tell us what was the color?

24 A It was loaded with color film.

25 Q What was the color of the camera itself?

1       A     I believe it was black.

2       Q     Do you know what type of lens you had in this  
3               camera?

4       -A    I'm not sure, but I believe it was 2.8.

5       Q     Which I believe you said is commonly known as  
6               a zoom lens?

7       A     Yes.

8       MR. DYMOND:

9               I object, he is leading the witness.

10      THE COURT:

11              Don't lead the witness.

12      MR. OSER:

13              He already testified to that.

14      THE COURT:

15              You can't lead him even though he has  
16               said it.

17      MR. OSER:

18              At this time the State wishes to use one  
19               of its other exhibits.

20      MR. DYMOND:

21              We object to it being submitted to the  
22               Jury until it is submitted in  
23               evidence.

24      THE COURT:

25              Take the Jury into their room.



1 (WHEREUPON, the Jury retired to  
2 the Jury Room.)

3 THE COURT:

4 Now, Mr. Oser, the photograph which you  
5 have numbered S-33 for identifica-  
6 tion purposes, I understand you are  
7 going to make an offer of that  
8 photograph to be received in  
9 evidence, and if it is received  
10 then you wish to present an  
11 enlargement, is that correct?

12 MR. OSER:

13 No, Your Honor, other exhibits.

14 THE COURT:

15 A separate exhibit?

16 MR. OSER:

17 Yes, Your Honor, separate from Exhibit  
18 S-33 for identification.

19 THE COURT:

20 You may show us the exhibit and we will  
21 see what it is.

22 MR. DYMOND:

23 If The Court please, at this time we  
24 object to all this testimony  
25 concerning Dealey Plaza on the

1 ground of relevancy. Your HONOR has  
2 ruled many, many times that there is  
3 no connection between the happenings  
4 at Dealey Plaza and this case. The  
5 only overt act alleged by the State  
6 in connection with happenings at  
7 Dallas at that time was the alleged  
8 taking by Lee Harvey Oswald of the  
9 gun from his home to the School Book  
10 Depository. I refer Your Honor to  
11 RS15:441, which gives a codal  
12 definition of relevant evidence and  
13 reads as follows:

14 "Relevant evidence is that  
15 tending to show the commission of  
16 the offense and the intent or  
17 tending to negative the commission  
18 of the offense and the intent. The  
19 facts necessary to be known to  
20 explain a relevant fact or which  
21 support and inference raised by  
22 such a fact are admissible."

23 It is our contention that none  
24 of this evidence comes within that  
25 codal definition of relevant

1 evidence. It is on that basis that  
2 we object.

3 MR. ALCOCK:

4 I think, Your Honor, we have argued this  
5 at length on prior occasions, but I  
6 think the words Mr. Dymond noted  
7 towards the end of his argument are  
8 important, that is, "The facts  
9 necessary to be known to explain a  
10 relevant fact or which support an  
11 inference raised by such a fact are  
12 admissible."

13 We have in the record of this  
14 case an alleged discussion  
15 participated in by the Defendant,  
16 Lee Oswald and David Ferrie relative  
17 to the assassination of the President  
18 of the United States. We have a  
19 discussion of triangulation of  
20 crossfire, the use of rifles in the  
21 assassination attempt, or in the  
22 discussion itself, and certainly  
23 this evidence the State submits,  
24 will be connected up. The State  
25 also suggests it is highly

1 corroborative of this conspiratorial  
2 meeting and for this reason the  
3 State submits it is relevant to the  
4 facts already stated in evidence --

5 MR. DYMOND:

6 Your Honor, all the things Mr. Alcock  
7 outlined were alleged and have been  
8 before The Court for approximately  
9 two years, and were the basis for  
10 all Your Honor's rulings up till  
11 now, that there was no connection  
12 between what happened, so the State  
13 argued, and now we have here a  
14 complete reversal of the position.

15 MR. ALCOCK:

16 The State has never reversed its  
17 position. The State's position was  
18 that it could, if it wanted to,  
19 overprove its case. The State  
20 admits, and this Court has acknow-  
21 ledged on numerous occasions, the  
22 State does not have to prove, as a  
23 matter of law, the President was  
24 killed as a result of this alleged  
25 conspiratorial meeting. However,

1 the State may call evidence which  
2 tends to confirm or corroborate that  
3 it was discussed. It would then be  
4 the duty of the Jury to decide  
5 whether or not to give any weight to  
6 the evidence adduced regarding the  
7 events in Dallas, Texas, relative  
8 to the actual assassination area.  
9 They can consider the President was  
10 shot on that occasion, and if the  
11 State can prove he was shot from  
12 more than one direction the State has  
13 in effect proven a conspiracy, or  
14 more than one person shooting at  
15 him, and these are things the Jury  
16 can infer from this evidence and  
17 they are simply and purely corrobor-  
18 ative of the testimony of  
19 Perry Russo, and in addition to that  
20 the testimony of Mr. Spiesel, who  
21 also mentioned the fact of shooting  
22 the President with rifles.

23 MR. DYMOND:

24 Your Honor, nothing Mr. Alcock says

25 presents anything that has not been

1 before this Court and used as a  
2 basis for Your Honor's previous  
3 rulings. It is Your Honor's job to  
4 decide what is relevant and what is  
5 not relevant.

6 THE COURT:

7 I'm aware of that.

8 MR. DYMOND:

9 It is not up to the Jury.

10 THE COURT:

11 You have made your arguments to me and  
12 I understand both arguments advanced.  
13 The evidence must be relevant to a  
14 material issue.

15 I am going to read again  
16 Article 441, which you read, and  
17 also read a little further.

18 "Relevant evidence is that  
19 tending to show . . . ."

20 (REPORTER'S NOTE: The quoted passage was  
21 not handed to the Reporter; the reader  
22 is referred to the source.)

23 There is no question about it,  
24 that the State can overprove its  
25 case if it so desires, and I feel

1 the evidence that is now being  
2 offered as to what occurred in  
3 Dallas is relevant evidence and I  
4 will admit it and therefore I will  
5 overrule your objection.

6 MR. DYMOND:

7 To which ruling Counsel objects and  
8 reserves a bill of exception, making  
9 the entire testimony of this witness,  
10 the Defense's objection and The  
11 Court's ruling and the record up to  
12 this time part of the bill.

13 THE COURT:

14 Let us see this exhibit. What is that  
15 and who is that and who are you  
16 going to use to identify it?

17 MR. OSER:

18 Mr. Zapruder and Mr. Robert West, who is  
19 the County Surveyor for Dallas,  
20 Texas and has been since 1944.

21 THE COURT:

22 The County Surveyor would be the person  
23 who could say whether or not this  
24 is a true representation of that  
25 area on that date. What date was

1 it taken?

2 MR. OSER:

3 I don't know the date it was taken,  
4 Your Honor, but this represents  
5 Dealey Plaza on November 22.

6 THE COURT:

7 The materiality depends upon it portraying  
8 the conditions that existed at 12:15  
9 on November 22, 1963. If it does  
10 then it is relevant, if it does not,  
11 it is not.

12 MR. OSER:

13 Mr. West can identify it as to the  
14 topographical arrangements and the  
15 buildings and streets and other  
16 things being the same in this picture  
17 as they were on November 22, 1963.

18 THE COURT:

19 What about the trees, are the trees the  
20 same?

21 MR. OSER:

22 I think the gentleman could also testify  
23 to that, Your Honor.

24 THE COURT:

25 What is your next one? Let us give them



a number. That one will be --

MR. OSER:

This is S-34.

THE COURT:

The other one will be what?

MR. OSER:

S-35, Your Honor.

THE COURT:

Tell us what that is supposed to be.

MR. OSER:

It is the survey plat made by

Mr. Robert West, drawn by him for

the FBI, for the Federal Government,

on May 31, 1964.

THE COURT:

What year?

MR. OSER:

May 31, 1964 it is certified to, and I

think Mr. West will testify in his

opinion it actually represents what

the land and topographical area was

on November 22, 1963.

THE COURT:

What is your next exhibit?

MR. OSER:

1 A scale model, which the State marks as 17  
2 S-36 for the purpose of identifica-  
3 tion, purporting to be representative  
4 of the area known as Dealey Plaza.

5 MR. DYMOND:

6 I thought we were told that was not a  
7 scale model.

8 MR. OSER:

9 You are right, not a scale model, a  
10 markup. The State is not alleging  
11 it is to scale.

12 THE COURT:

13 Who prepared it?

14 MR. OSER:

15 It was prepared by CBS.

16 THE COURT:

17 Who is going to identify it as being a  
18 true picture of the scene on  
19 November 22, 1963?

20 MR. OSER:

21 Mr. West can identify it, and  
22 Mr. Zapruder can testify this  
23 represents the streets and the  
24 buildings and area known as Dealey  
25 Plaza.

1 MR. DYMOND:

18

2 Unless it is to scale we are going to  
3 object because it can very easily  
4 present a distorted picture.

5 THE COURT:

6 They don't offer it as a scale model.

7 They offer it to portray the scene  
8 but not a scale model.

9 How are you going to have  
10 Mr. Zapruder testify as to Exhibits  
11 34, 35 and 36, unless you get them  
12 in evidence?

13 MR. OSER:

14 I would ask then that we call Mr. West  
15 at this time.

16 THE COURT:

17 That's what I would suggest. You may  
18 step down, Mr. Zapruder.

19 MR. DYMOND:

20 We object to these exhibits being seen  
21 by the Jury until they are received.

22 (WITNESS EXCUSED.)

23 THE COURT:

24 I would suggest we call Mr. West and put  
25 him under oath out of the presence

1 of the Jury and go through his  
2 testimony. If you have no objection  
3 you can do it all over again in the  
4 presence of the Jury.

5 ...oOo...

6 ROBERT WEST,  
7 after first being duly sworn, was examined and  
8 testified on his oath as follows:

9 THE COURT:

10 Would you be kind enough to spell your  
11 name?

12 THE WITNESS:

13 Robert H. West, W-E-S-T.

14 THE COURT:

15 You may proceed.

16 DIRECT EXAMINATION

17 BY MR. SCIAMBRA:

18 Q What is your occupation, sir?

19 A I am a land surveyor, the County Surveyor for  
20 Dallas County.

21 Q Would you briefly tell The Court the nature  
22 of your duties as surveyor for Dallas  
23 County, Dallas, Texas?

24 A Basically keeping the survey records, the  
25 land survey records of the County, making

1                   them available to the public and so  
2                   forth.

20

3       Q     Do your duties include any on-the-scene survey  
4             work?

5       A     In my official capacity as County Surveyor  
6             very, very rarely. The County Surveyor's  
7             Office is mainly in the surveying of  
8             public bond domain, of which there is  
9             very little left in Dallas County.

10      Q     Relative to other aspects of your occupation,  
11             do you do on-the-scene survey work?

12      A     Yes, sir.

13      MR. SCIAMBRA:

14             At this time the State would attempt to  
15             qualify this witness as an expert  
16             surveyor and therefore qualified to  
17             give his expert opinion relative to  
18             the topographical aspects of Dealey  
19             Plaza in Dallas, Texas.

20      THE COURT:

21             Does the Defense wish to traverse

22             Mr. West on the proposition of him  
23             being an expert?

24      MR. DYMOND:

25             Just a few questions.

1 BY MR. DYMOND:

2 Q Mr. West, what is --

3 MR. SCIAMBRA:

4 I haven't questioned him yet. I haven't  
5 brought out his qualifications yet.

6 THE COURT:

7 You may proceed to do so.

8 BY MR. SCIAMBRA:

9 Q How long have you been County Surveyor for  
10 the County of Dallas, Texas?

11 A Since 1944.

12 ~~Q~~ What training have you had, whether in some  
13 institution or whether in an apprentice  
14 type of situation?

15 A The basic training was with my father who was  
16 County Surveyor from 1904 until 1944, at  
17 which time I assisted him. I also,  
18 during that period, attended A & M  
19 College and Southern Methodist University  
20 taking civil engineering.

21 Q At what age did you begin to receive your  
22 training under the tutorship of your  
23 father?

24 A When I was 12, 13 years old he started taking  
25 me to the field to help him make these

land surveys.

22

Q Have you ever been qualified as an expert  
surveyor in any courts?

A Yes, sir.

Q Approximately how many courts have you been  
qualified as an expert in?

A All the courts in Dallas County. The County  
Courts, the District Courts and the  
Federal Courts.

THE COURT:

Mr. Alcock, I would suggest you tender  
Mr. West for traverse by the  
Defense.

MR. ALCOCK:

The State will tender him.

BY MR. DYMOND:

Q Mr. West, is there such a thing as a  
topographical surveyor?

A One who does nothing but topographical work?

Q Topographical work, yes.

A There are, but I don't know of any personally.

Q Do all surveyors do topographical work?

A All the land surveyors should be able to do  
topographical work.

Q Do you do topographical work, sir?

1 A Yes, sir.

2 Q Did you graduate in civil engineering?

3 A No, sir.

4 MR. DYMOND:

5 That is all, sir.

6 THE COURT:

7 Mr. Dymond, does the Defense wish to put  
8 any witness on in traverse as to the  
9 expertise of the witness Mr. West  
10 being an expert in this field?

11 MR. DYMOND:

12 No, we don't wish to do that.

13 THE COURT:

14 Is the matter submitted?

15 MR. SCIAMBRA:

16 It is submitted by the State.

17 THE COURT:

18 I will rule that Mr. West by training,  
19 experience and study is an expert  
20 in this field and can give his  
21 opinion as to the landmarks in  
22 Dallas County, Dallas, Texas on  
23 November 22, 1963.

24 BY MR. SCIAMBRA:

25 Q Did you have occasion during the course of



your duties to survey and draw a survey  
plat for the Federal Bureau of  
Investigation relative to Dealey Plaza?

24

A Yes, sir.

Q Do you see that survey or reproduction of it  
in court today?

A I think it is on the easel over there on the  
left.

Q Is this survey drawn to scale, and if so, what  
scale?

A Yes, sir. The scale is noted on the plat.  
The large portion of the map is drawn to  
the scale of one inch equal to twenty  
feet. The other portion, which has to do  
with vertical control --

Q Let me ask you this, Mr. West: Is this a  
complete survey of Dealey Plaza?

A No, sir.

Q In what respects is it incomplete?

A It is not complete, it does not show all of  
the topographical features within this  
particular quadrant of Dealey Plaza.

Q Is there any particular reason why it does  
not show this?

A This is what was requested by an FBI agent.

1 This is what he instructed me to survey  
2 and to plat.

25

3 Q Particularly relative to the location of the  
4 street and what is referred to as a  
5 wooden stockade, and the location of the  
6 other landmarks which are on this plat,  
7 are they in the same location as they  
8 were in on November 23, 1963?

9 A I cannot testify to the location of the sign  
10 as being in the exact position.

11 Q Are these signs clearly marked on the plat?

12 A Yes, sir.

13 Q Relative to the other aspects of this plat,  
14 can you testify to them?

15 A All of the aspects on the plat to the best of  
16 my knowledge are the same.

17 Q As they were on the 22nd of November?

18 A Right.

19 Q When was this plat made, if you know?

20 A I can't see the date. It is on the map there.

21 Q Is there a date on the plat?

22 A Yes, sir.

23 Q Would you please step down and walk over to  
24 the plat?

25 A April 31, 1964.

1 Q Is your name on the plat?

2 A My name is printed on the map and also my  
3 signature is on the map.

4 Q Are there any seals on the plat?

5 A There is a seal of the Public Surveyor's  
6 Office.

7 Q Was this seal placed on the plat by you?

8 A Yes, sir.

9 Q Mr. West, I direct your attention to what the  
10 State has previously marked as S-34, which  
11 purports to be an aerial photograph, and  
12 I ask you whether or not you can tell  
13 The Court of what this is a photograph?  
14 If you cannot see it plainly you can step  
15 over here.

16 A I believe I can see it. It is a photograph of  
17 part of Dealey Plaza at the intersection  
18 of Houston, Elm, Main and Commerce in  
19 Dallas.

20 Q I request you get up from your witness chair  
21 and inspect this photograph very carefully,  
22 please. Would you come over here and  
23 inspect it?

24 A All right.

25 Q You may return to your seat. Mr. West, you

1 have inspected what purports to be an  
2 aerial photograph of Dealey Plaza, is  
3 that correct, sir?

4 A Yes.

5 Q To the best of your knowledge are the  
6 buildings, streets and various landmarks,  
7 including the trees that are depicted in  
8 this photograph, in the same location and  
9 position as they were in on November 22,  
10 1963?

11 A Yes, sir.

12 Q Are the objects which are depicted in this  
13 map, in this photograph, in the same  
14 location as the objects which are  
15 depicted in your plat, as far as it  
16 goes?

17 A The same relative location of streets,  
18 buildings and so forth.

19 Q Mr. West, I would ask you to please step down  
20 and inspect what has been previously  
21 marked as S-36.

22 A All right.

23 Q Please return to your seat. Mr. West, you  
24 have inspected what has been marked as  
25 S-36, is that correct, sir?

1 A Yes, sir.

2 Q Do you recognize this as being any particular  
3 location?

4 A Well, it is basically the same area as covered  
5 by the photograph. Commerce, Main, Elm  
6 and Houston Streets, showing the court-  
7 house and the jail and so forth.

8 Q As a result of your inspection were you able to  
9 determine any errors which might be  
10 represented here as opposed to the actual  
11 scene in Dallas, Texas?

12 A That covers such a multitude of things I don't  
13 know that I could answer that question.

14 Q Are there any major errors?

15 A I don't see any major errors.

16 Q Are there any buildings on here which are not  
17 in Dealey Plaza, Dallas, Texas?

18 A No.

19 Q Are there any streets on here which are not  
20 in Dealey Plaza in Dallas, Texas?

21 A No, sir.

22 Q Where is your office located in Dallas,  
23 Mr. West?

24 A At the date of this survey it was located on  
25 the first floor of the northwest corner

of the old courthouse at the corner of  
Main and Houston.

Q Is the old courthouse depicted in this aerial  
photograph?

A Yes, sir, it is in the lower right-hand corner.

Q Were you present in Dealey Plaza at approxi-  
mately noon on November 22, 1963?

A Yes, sir.

Q Therefore in your expert opinion the two  
exhibits, S-30 and S-36, do they fairly  
represent the area as it was on that date,  
is that right?

A Right.

Q More specifically, the markup which the State  
does allege is not to scale, and you have  
noticed there are some minor mistakes, is  
that right?

A Right.

Q But there are no buildings, streets or major  
obstacles which are located out of  
position, is that right?

A Right.

THE COURT:

Mr. Dymond, Mr. Wegmann and Mr. Wegmann,  
do you wish to traverse on these

exhibits?

30

MR. DYMOND:

Yes, I do.

THE COURT:

You may do it.

BY MR. DYMOND:

Q Mr. West, I have particular reference to what has been termed a markup, that is this model here before me. You stated on Direct Examination there are some minor mistakes on it. Would you mind coming down here and pointing them out to us, these minor mistakes?

A Basically what I intended to say ~~was that~~ the markup covers such a large area that it would be impossible for me to check out every minute detail as to scale, location of trees, location of traffic strips, et cetera, that are on this model. I couldn't say whether they are in the correct position or not.

Q Mr. West, the markup doesn't purport to be a scale markup, so errors as to scale would not be relevant here. Can you point out other errors, other than scale errors,

that might exist?

31

A I would have to examine it again to pick out  
any big errors such as that.

Q You are free to examine it if you wish to,  
Mr. West.

A Basically the model doesn't indicate the  
concrete wall or fence along the west  
side of the area that leads across  
Houston Street from the Criminal Court and  
jail building between the lagoon and Elm  
Street.

THE COURT:

The Court Reporter has to get this down,  
so will you speak louder, please.

THE WITNESS:

(Continuing) There is a concrete wall  
that runs along the west side of the  
lagoon, west of Houston Street.  
It is terribly difficult here to say  
what is missing in a model of this  
type. For example, the storm sewer  
inlets are not shown on Elm, Main or  
Commerce.

THE COURT:

I cannot hear you.



1 THE WITNESS:

32

2 (Continuing) The storm sewers are not  
3 shown on Main, Elm or Commerce. The  
4 highway sign shown here, I couldn't  
5 say it is in the correct position.  
6 Basically that's about all.

7 BY MR. DYMOND:

8 Q You may return to the stand. Mr. West, would  
9 you be able to testify as to whether this  
10 markup contains the same number of trees  
11 in the same locations and of approximately  
12 the same relative size as those that were  
13 in Dealey Plaza on November 22, 1963?

14 A No, sir.

15 Q You could not?

16 A No, sir.

17 Q Mr. West, I refer to a building here, and ask  
18 you what building this represents?

19 A This is the Criminal Courts Building.

20 Q Where would the Records Building be in relation  
21 to this Criminal Courts Building?

22 A Immediately behind it or east of it.

23 Q Back this way?

24 A Right.

25 Q When was the Records Building built?

1 A To the best of my knowledge along in the 1920's. 33

2 Q When was the new Criminal Courts Building built?

3 A The late '40's.

4 Q Is it not a fact that facing this markup over  
5 in this left area are the railroad tracks,  
6 that there is a railroad observation  
7 tower with a big plateglass window in the  
8 front of it permitting open view into what  
9 has been termed the grassy knoll area?

10 A There is a tower and it has, I am sure, a view  
11 of the railroad. I have never been up  
12 there so I couldn't say what the view is.

13 THE COURT:

14 Could you find in the aerial photograph  
15 that of which you are speaking?

16 MR. DYMOND:

17 In order to enlighten you as to what I  
18 am speaking of, Mr. West, I am  
19 pointing my finger to the building  
20 to which I have reference on  
21 State-34.

22 THE COURT:

23 Why don't you step down, sir. I have a  
24 magnifying glass here if you want  
25 it.

1 MR. DYMOND:

34

2 I don't believe so, Your Honor.

3 THE WITNESS:

4 Yes, I can see it.

5 BY MR. DYMOND:

6 Q Such a building does exist and did exist on  
7 November 22, 1963?

8 A Yes.

9 Q Is that building represented on this markup at  
10 all?

11 A I don't believe so.

12 Q Now, with respect to the large exhibit over  
13 here, Mr. West, which has been marked for  
14 identification as State-35, is such a  
15 building represented on this survey?

16 A No, sir.

17 Q Is there anything on this survey which would  
18 indicate the number and the size and the  
19 location of trees in this area?

20 A There are several trees shown. The size, no.  
21 You mean the diameter of the trunk of  
22 the tree?

23 Q And the height of the trunk of the tree.

24 A We didn't attempt to show the diameter or  
25 height of any trees.

1 Q Would you call this, sir, a topographical  
2 survey or not?

3 A Within its limits.

4 Q Within what limits?

5 A Within the limits that were indicated to me by  
6 the FBI, that this was the information  
7 that they wanted to be shown on this map.  
8 Within those limits it is a topographical  
9 map.

10 Q Do those limits coincide with your definition  
11 of a topographical survey?

12 A Within those limits, yes, sir.

13 Q I am talking about your general definition and  
14 knowledge of the term 'topographical  
15 survey'.

16 A For example, the information shown at Houston  
17 Street beginning at Main and running  
18 northerly along Elm Street and beginning  
19 at Houston and running westerly to the  
20 triple underpass, that in my opinion is a  
21 true topographical map showing all the  
22 physical features of those particular  
23 streets.

24 Q Do you know when the photograph was taken,

25 Mr. West?

1 A No, sir.

2 Q Do you know whether or not that photograph  
3 reflects the same number of trees in the  
4 same location and the same height as  
5 existed in that location on November 22,  
6 1963?

7 A No, sir.

8 MR. DYMOND:

9 That's all, sir.

10 THE COURT:

11 For the record, Mr. Sciambra, can we have  
12 the date when this was taken? Does  
13 it appear on the reverse thereof  
14 when it was taken?

15 MR. SCIAMBRA:

16 No, Your Honor.

17 THE COURT:

18 To the best you know, from your experience  
19 living in Dallas, Texas, having helped  
20 your father since you were 12 years  
21 old and being familiar with the area,  
22 as an expert would you say the aerial  
23 photograph fairly and accurately  
24 represents the scene as it existed  
25 on November 22, 1963?

1 THE WITNESS:

2 As best as can be shown by a photograph,  
3 yes, sir.

4 THE COURT:

5 The answer is "yes"?

6 THE WITNESS:

7 Yes.

8 THE COURT:

9 You prepared a plat of the survey?

10 THE WITNESS:

11 Yes.

12 THE COURT:

13 Let us get to the markup. Does it fairly  
14 represent the scene, not to scale  
15 but the general appearance,  
16 particularly of the streets and the  
17 Texas Schoolbook Depository Building;  
18 does it fairly show the scene as it  
19 existed on November 22, 1963, to the  
20 best of your knowledge?

21 THE WITNESS:

22 I think it does.

23 THE COURT:

24 I am going to admit these three exhibits  
25 into evidence.

1 MR. DYMOND:

2 Will we have an opportunity to object?

3 THE COURT:

4 You will have an opportunity to object.

5 Let us bring the Jury in and leave the  
6 exhibits where they are and go  
7 through it all over again in  
8 front of the Jury.

9 (WHEREUPON, the Jury returned to the  
10 courtroom.)

11 THE COURT:

12 You may start from the beginning.

13 ...oOo...

14 ROBERT WEST,

15 having been previously sworn, testified further on  
16 his oath as follows:

17 MR. DYMOND:

18 If the Court please, now that the Jury  
19 has returned, we would like to  
20 object and reserve our bill, to the  
21 testimony of Mr. Abraham Zapruder  
22 on the grounds of relevancy of the  
23 issues in this case, and making his  
24 entire testimony, the objection, the  
25 ruling of the Court and all other

testimony up to this time part of  
the bill.

THE COURT:

You may proceed.

DIRECT EXAMINATION

BY MR. SCIAMBRA:

Q Would you please state your full name?

A Robert H. West.

Q Where do you reside?

A 9209 Pennywool (?) Street, Dallas, Texas.

Q What is your occupation?

A I'm a land surveyor.

Q Do you have any particular title?

A I am County Surveyor of Dallas County, Texas.

Q How long have you held that office?

A Since 1944.

Q Would you in a couple of sentences please

explain to the Gentlemen of the Jury very  
briefly the nature of your work as  
County Surveyor and also the nature of  
your work as a surveyor?

A The nature of my work as a County Surveyor is  
the maintenance and preservation of  
original survey records of Dallas County,  
making them available to the public and



40

1 so forth. My duties as a land surveyor  
2 have to do with the surveying of land,  
3 subdivisions, topographical maps, maps of  
4 collisions for insurance companies. That  
5 about covers it.

6 **MR. SCIAMBRA:**

7 May it please The Court, at this time the  
8 State will attempt to qualify  
9 Mr. West as an expert surveyor and  
10 further qualified to give his opinion  
11 as to the topographical aspects of  
12 Dealey Plaza, Dallas, Texas.

13 **MR. DYMOND:**

14 We would like to object to the testimony  
15 of Mr. West on the ground of  
16 relevancy for the same reasons as  
17 heretofore stated.

18 **THE COURT:**

19 The ruling as I ruled with regard to  
20 Mr. Zapruder will apply to Mr. West.

21 **MR. DYMOND:**

22 Same bill.

23 **THE COURT:**

24 Proceed.

25 **BY MR. SCIAMBRA:**

1 Q Have you had any particular training in the  
2 field of surveying?

3 A I received my basic surveying training from my  
4 father who was County Surveyor from 1904  
5 until 1944. Other than that I received  
6 my schooling at A & M College and Southern  
7 Methodist University.

8 Q Have you had any education and experience of  
9 civil engineering?

10 A Not much, except what I run into in the  
11 practice of land surveying.

12 Q How old were you when you began to receive your  
13 training from your father?

14 A Approximately 12 to 14. Well, since I got big  
15 enough.

16 Q Was that training continuous until your father  
17 left office in 1944?

18 A Except for time out for schooling.

19 Q Mr. West, have you ever been qualified as an  
20 expert surveyor in any courts?

21 A Yes, sir.

22 Q Have you ever been qualified in Federal Courts?

23 A Yes, sir..

24 Q Do you know on how many occasions in Federal  
25 Courts?

1 A I would say approximately a half a dozen times.

2 Q Have you ever been qualified by any District  
3 or Municipal Courts?

4 A The County Court and District Courts, yes, sir.

5 Q On approximately how many occasions, if you  
6 know?

7 A Thirty to forty.

8 Q How long have you been County Surveyor for  
9 Dallas County, Dallas, Texas?

10 A Since 1944.

11 THE COURT:

12 Do you wish to tender the witness for  
13 traverse?

14 MR. SCIAMBRA:

15 The State tenders the witness.

16 BY MR. DYMOND:

17 Q Are you a graduate civil engineer, Mr. West?

18 A No, sir.

19 THE COURT:

20 Does the Defense wish to present any  
21 evidence by witnesses or otherwise  
22 on traverse of the qualifications  
23 of Mr. West?

24 MR. DYMOND:

25 We don't, Your Honor.

1 THE COURT:

43

2 Is the matter submitted?

3 MR. SCIAMBRA:

4 Submitted by the State, Your Honor.

5 THE COURT:

6 Considering the training, experience and  
7 education of the witness, The Court  
8 rules he is qualified as an expert  
9 in this particular field and can give  
10 his opinion not only as a land  
11 surveyor but also as an official of  
12 Dallas County of the physical aspects  
13 of Dallas on November 22, 1963. You  
14 may proceed.

15 BY MR. SCIAMBRA:

16 Q I direct your attention to what has been  
17 previously marked for identification as  
18 State Exhibit 35, which purports to be a  
19 plat, and ask you whether or not you  
20 recognize this?

21 A Yes, sir.

22 Q For what purpose was this plat originally  
23 drawn?

24 A This was made at the request of the FBI agent  
25 for the Warren Commission.

1 Q Did you personally draw this?

2 A It was personally drawn -- Well, it was drawn  
3 under my personal supervision.

4 Q Did you personally supervise the surveying of  
5 everything that led up to the drawing of  
6 this plat?

7 A Yes, sir, I was present at all times during the  
8 office work and field work.

9 Q In connection with the drawing of this plat  
10 were any photographs taken to aid you?

11 A Yes, sir.

12 Q Mr. West, is this plat a complete representa-  
13 tion of Dealey Plaza?

14 A No, sir.

15 Q In what respects is it not complete?

16 A It doesn't show all of the topographical  
17 features of that particular part of  
18 Dealey Plaza that lies northwest of Main  
19 Street.

20 Q Does it show all of the curves and contours  
21 in Dealey Plaza?

22 A Not of the ground, but all the streets, it  
23 shows all of the curves and contours.

24 Q Directing your attention specifically to the  
25 wooden stockade, does this plan indicate

the elevation of this stockade?

45

A No, sir.

Q Are there any reasons why this plat is an incomplete drawing?

A This is what the FBI agent instructed me to show on this plat, these features.

Q Mr. West, I direct your attention -- no, I will ask your something prior to that. Would you please step down from the witness stand and come over here?

A Yes.

MR. SCIAMBRA:

Your Honor, for the sake of convenience, provided I speak in a loud voice and provided Mr. West speaks in a loud voice, can I ask him questions from here?

THE COURT:

Yes, but speak up.

BY MR. SCIAMBRA:

Q I notice in the center lane of that which you have depicted as Elm Street there are numbers close to small dots. Can you please tell the Gentlemen of the Jury what those numbers represent and what the dots

represent?

46

A The number represents the frame number of the  
Zapruder film. The dot represents the  
location of President Kennedy in the  
limousine when the particular frame was  
shot.

MR. DYMOND:

We object to that unless this gentleman  
can testify to that of his own  
knowledge, Your Honor. Unless he  
measured where the President was each  
time it would be based purely on  
hearsay.

MR. SCIAMBRA:

I am asking the question.

BY MR. SCIAMBRA:

Q Why did you place the dot in the frame number  
in a particular location which is shown  
on this plat?

A On the instructions of the FBI agent.

MR. DYMOND:

We object to it and ask the Jury be  
instructed to disregard it.

THE COURT:

I so instruct the Jury. Disregard the

1 last remark.

47

2 May I ask the witness one  
3 question? Does your signature appear  
4 on this scale model?

5 THE WITNESS:

6 Yes, sir, over in the lower left-hand  
7 corner.

8 BY MR. SCIAMBRA:

9 Q Is there also a seal upon this drawing?

10 A Yes, sir, the Registered Public Surveyor's  
11 seal.

12 Q Is this your seal?

13 A Yes, sir.

14 Q Did you place this seal there?

15 A Yes, sir.

16 Q Is this plat drawn to scale, Mr. West?

17 A Yes, sir.

18 Q What is the scale of this plat?

19 A One inch equal to ten feet on the large portion  
20 and the right-hand part of the map  
21 horizontal control part, the upper  
22 left-hand part of this vertical control,  
23 is one inch to twenty feet. They are  
24 noted on the plat.

25 Q Mr. West, were you present in Dealey Plaza on



1 a date whenever a reconstruction of the  
2 assassination of President Kennedy was  
3 conducted?

4 A Yes, sir.

5 Q Were any Federal agents present at this time?

6 A Yes, sir.

7 Q Do you know from what bureau or agency these  
8 men were?

9 MR. DYMOND:

10 We object on the grounds that this is  
11 completely irrelevant. A reconstruc-  
12 tion of what supposedly went on has  
13 no place in this case.

14 THE COURT:

15 I sustain that objection.

16 BY MR. SCIAMBRA:

17 Q I direct your attention to what has been  
18 previously marked by the State as S-34,  
19 and I ask you whether or not you  
20 recognize the scene depicted in this  
21 photograph?

22 A Yes, sir. That is a portion of Dealey Plaza  
23 at Houston, Main, Elm and Commerce Streets  
24 in Dallas.

25 Q In this photograph there is a building which

1 is marked "Texas School Book Depository."

49

2 Is this in fact the Texas School Book  
3 Depository?

4 A Yes, sir.

5 Q There is also a building marked the Daltex  
6 Building. Is this the Daltex Building?

7 A Yes.

8 Q There is also a building marked the Records  
9 Building. Is this in fact the Records  
10 Building?

11 A I can't see from here which is marked as the  
12 Records Building.

13 Q Well, step down and come over to the photograph.

14 A This part as shown as the Records Building is  
15 the back of the Criminal Courts Building,  
16 but they are all hooked together with  
17 hallways that run from one to the other.

18 Q I direct your attention to what has been  
19 previously marked for identification by  
20 the State as S-36, which purports to be a  
21 markup of Dealey Plaza, and ask you  
22 whether or not you recognize this?

23 A Yes, sir.

24 MR. SCIAMBRA:

25 Your Honor, I would make a statement to

1           The Court and the jury that at this  
2           time this does not purport to be  
3           drawn to scale, or built to scale.

4   BY MR. SCIAMBRA:

5   Q   Have you inspected, or would you please at  
6           this time step forward and inspect this  
7           markup. Please speak very loudly so  
8           everyone can hear you. Is this an accurate  
9           model or markup of Dealey Plaza or are  
10          there things which are not contained in  
11          this markup?

12   A   There are things that are not contained in this  
13          markup. All of the physical features are  
14          not shown.

15   Q   Will you please point out those features which  
16          are not shown?

17   A   One, for example, is the concrete fence which  
18          runs along the west side of the lagoon  
19          west of Houston Street between Main and  
20          Elm.

21   Q   Relative to the buildings and the locations of  
22          the streets, are they fairly accurately  
23          represented by this markup?

24   A   I think they are fairly accurate, yes, sir.

25   Q   Are there any buildings in Dealey Plaza in the

1 area depicted here which are not located  
2 in this markup?

51

3 A Not to my knowledge.

4 Q You may return to the witness chair. Now,  
5 Mr. West, were you present in Dealey  
6 Plaza on November 22, 1963, sir?

7 A Yes, sir.

8 Q Where were you located? At approximately what  
9 time were you in Dealey Plaza?

10 A I don't remember the exact time of the day.  
11 It was approximately 15 minutes before  
12 the motorcade came down.

13 Q Mr. West, I'm going to give you a small flag  
14 which has your name on it, and which also  
15 has a pin in it, and I would ask you to  
16 please go to what you previously identi-  
17 fied as being your certified plat and  
18 stick this in the location where you were  
19 approximately 15 minutes before the  
20 motorcade passed on November 22, 1963.

21 A (The witness complies.)

22 Q Now, Mr. West, would you please explain to the  
23 Gentlemen of the Jury, and to The Court,  
24 verbally what location this is?

25 A That would be the southeast corner of the

intersection of Main and Houston Streets.

Q In relation to the aerial photograph, and in relation to where your office was at that time, or in relation to where you were, where was your office at that time?

A It was in the old courthouse approximately 40 or 50 feet south of where I was standing.

Q Did you see the presidential motorcade on that day, sir?

A Yes, sir.

Q Before I proceed I'm going to also give you a small emblem which represents a man, and ask you to proceed to the markup and paste yourself on the markup in accordance with where you were on that date.

A (The witness complies.)

Q Mr. West, what was the location of the presidential limousine at the time you first saw it on November 22, sir?

A It was going west on Main Street at approximately Record Street, which is the first street east of Houston.

Q Did you observe the presidential limousine as it approached Houston Street?

1 A Yes, sir.

2 Q In which direction did the presidential  
3 limousine proceed upon reaching Houston  
4 Street?

5 A It turned to the right, or to the north.

6 Q At what time did you lose sight of the  
7 presidential limousine, if in fact you  
8 ever lost sight of it?

9 A Shortly after it turned to the left, or back  
10 west on Elm Street.

11 Q When did you again regain visual observation  
12 of the presidential limousine?

13 A Before it went under the underpass.

14 Q Would you please step up and indicate the  
15 location of the underpass of which you are  
16 speaking on the aerial photograph and then  
17 also on the plat which you have drawn?

18 A (The witness complies.)

19 Q Now would you indicate this on the markup,  
20 sir?

21 A (The witness complies.)

22 Q Now, Mr. West, did you see or hear anything  
23 unusual as the presidential motorcade  
24 proceeded through Dealey Plaza on  
25 November 22?

1 A Some time after it turned on Elm Street I  
2 heard what sounded to me at that time as  
3 what I thought was backfiring, a motor-  
4 cycle.

5 Q How many of these backfires did you hear?

6 A Four.

7 Q Did you at any time during this period determine  
8 them to be anything other than backfires?

9 MR. DYMOND:

10 Object, unless of his own knowledge he did.

11 MR. SCIAMBRA:

12 That is what I asked him.

13 THE COURT:

14 From your own knowledge did you make any  
15 determination?

16 THE WITNESS:

17 I made no examination, no, sir.

18 BY MR. SCIAMBRA:

19 Q Did you recognize any of the noise which you  
20 have described as anything other than a  
21 backfire?

22 MR. WILLIAM WEGMANN:

23 Objection, he already testified it was  
24 backfire. Now he is trying to  
25 change his witness' testimony.

1 MR. SCIAMBRA:

55

2 I am asking him if he ever determined it  
3 to be anything else.

4 THE COURT:

5 Put the question differently, would you  
6 please?

7 BY MR. SCIAMBRA:

8 Q Mr. West, did you hear any unusual noise?

9 A Yes, sir.

10 Q On how many occasions did you hear this noise?

11 A Four.

12 Q Did it sound the same on each occasion?

13 A Yes, sir.

14 Q What did you think this noise was on the first  
15 occasion?

16 MR. WILLIAM WEGMANN:

17 Objection, he has already said it sounded  
18 the same on each occasion.

19 THE COURT:

20 I will permit the question. You may ask  
21 the question, sir.

22 BY MR. SCIAMBRA:

23 Q What did it sound like on the first occasion?

24 A A motorcycle backfired.

25 Q What did it sound like on the second occasion?



1 A A rifle fired.

56

2 Q It sounded to you like rifle fire --

3 THE COURT:

4 You needn't repeat his testimony.

5 BY MR. SCIAMBRA:

6 Q What did it sound like to you on the third  
7 occasion?

8 A It appeared to me it was rifle fire after the  
9 second. The first and the second my  
10 response was it was motorcycle backfire.

11 Q What was your response to the third sound that  
12 you heard?

13 A Rifle fire.

14 Q Were these loud sounds?

15 A Yes, sir.

16 Q Were you able to determine at any time during  
17 the course of these the location or the  
18 area from which these sounds were  
19 emanating?

20 MR. DYMOND:

21 Objection on the ground it calls for an  
22 opinion.

23 MR. SCIAMBRA:

24 This is within his knowledge.

25 THE COURT:

1 You don't have to argue. If you know of  
2 your own personal knowledge you can  
3 answer the question.  
4

5 THE WITNESS:

6 The sound came from the northwest quadrant  
7 of Dealey Plaza.

8 BY MR. SCIAMBRA:

9 Q Will you please step down from the witness  
10 chair and proceed to your plat and indicate  
11 to the Gentlemen of the Jury what the  
12 northwest quadrant of Dealey Plaza is.

13 A This entire area north and west of Elm Street.

14 Q Were you able, or can you at this time tell the  
15 Gentlemen of the Jury what interval of  
16 time there appeared to be between the first  
17 and the second reports which you heard?

18 A No, sir.

19 Q Can you tell us the interval between the second  
20 and the third?

21 A No, sir.

22 Q The third and fourth?

23 A No, sir.

24 Q Mr. West, you will notice on what has been  
25 previously marked as S-34, which is the  
aerial photograph, a line of dots. I will

ask you whether or not this is the route  
taken --

MR. WILLIAM WEGMANN:

Objection on the grounds it is leading.

THE COURT:

Rephrase your question, please.

BY MR. SCIAMBRA:

Q Would you indicate to the Gentlemen of the Jury  
by stepping to this aerial photograph the  
route taken by the presidential limousine?

A The limousine was going west on Elm, north  
on Houston and back west -- pardon me,  
west on main, north on Houston and back  
west on Elm.

Q Mr. West, is it possible for you to tell the  
Gentlemen of the Jury the approximate span  
of time that elapsed between the first  
report which you heard and the last report  
which you heard?

A No, sir.

Q Mr. West, when was the last time you observed  
the presidential limousine?

A Somewhere shortly before it went under the  
triple underpass.

Q Were there many persons in Dealey Plaza on

November 22?

59

A Yes, sir.

Q As the presidential limousine proceeded out of sight what, if anything, did the persons in Dealey Plaza do?

A There seemed to be a commotion.

Q Was there any particular reaction --

MR. WILLIAM WEGMANN:

Objection, that is calling for an opinion.

THE COURT:

Allow him to tell what he saw without leading him. He can explain what he saw without leading.

THE WITNESS:

Are you referring to the individual persons?

BY MR. SCIAMBRA:

Q No, the crowd in general, sir. Let me rephrase the question.

MR. WILLIAM WEGMANN:

I suggest he be allowed to answer the question.

THE COURT:

Tell us in your own words what happened.

THE WITNESS:

There seemed to be a commotion.

60

BY MR. SCIAMBRA:

Q Did the crowd react in any particular direction  
that you saw?

MR. WILLIAM WEGMANN:

Objection, he's leading the witness again,  
Your Honor.

THE COURT:

Tell us what happened without any leading.

THE WITNESS:

When I left my position on the corner of  
Main and Houston and went across into  
Dealey Plaza area, there was quite a  
commotion. A police motorcycle and  
several men coming up, what is  
indicated on the aerial photograph as  
the grassy knoll. When I got over to  
the motorcycle there were several men  
up behind the wood stockade fence  
along the north edge of the grassy  
knoll.

BY MR. SCIAMBRA:

Q Would you just put the general area from where  
you stated you heard the shots come from?

MR. WILLIAM WEGMANN:

1                   Objection to leading.

61

2                   THE COURT:

3                   Rephrase your question.

4                   BY MR. SCIAMBRA:

5                   Q     In relation to the grassy knoll, from which  
6                             area did you hear the shots?

7                   A     The grassy knoll is in the same northwest  
8                             quadrant as I heard the shots.

9                   Q     Would you please step down and indicate to the  
10                            Gentlemen of the Jury where the grassy  
11                            knoll was located?

12                  A     On the aerial photograph it is located along  
13                            this area.

14                  Q     You stated you saw a motorcycle man get off of  
15                            his motorcycle.

16                  MR. WILLIAM WEGMANN:

17                        I object. There has been no such  
18                            testimony.

19                  THE COURT:

20                        Don't lead.

21                  BY MR. SCIAMBRA:

22                  Q     Standing next to the aerial photograph, would  
23                            you please point to the direction in which  
24                            you have testified you saw people running?

25                  A     The direction from where it is indicated

1 Elm Street on here to the direction of the 62  
2 top of the aerial photograph towards the  
3 grassy knoll.

4 Q Where did you go?

5 A I went to the area right below what is indicated  
6 here as the grassy knoll, on the sidewalk.

7 Q Is there a wooden fence located in that area,  
8 sir?

9 A There is a wooden stockade fence approximately  
10 6 feet high located along the top of the  
11 grassy knoll.

12 Q Did you observe anyone going around or over this  
13 fence?

14 A I observed several men going over the fence.

15 THE COURT:

16 I know you are going to have quite a bit  
17 more examination so I would think --

18 MR. SCIAMBRA:

19 I tender the witness, Your Honor.

20 THE COURT:

21 Then I am going to take a five-minute  
22 recess.

23 (WHEREUPON, a short recess was taken.)

24 THE COURT:

25 Before you proceed, Mr. Dymond, I have

1 two announcements to make. Number  
2 one, with respect to Article 9, I  
3 have been informed, and I believe it,  
4 because I noticed it myself, that  
5 certain reporters and spectators have  
6 seen fit to leave early this  
7 afternoon trying to scoop the evidence,  
8 and I'm going to have to insist this  
9 rule be followed, so it will not  
10 create noise and confusion in this  
11 court. No one will be permitted to  
12 enter or leave the courtroom during  
13 the testimony of a witness or argument  
14 by Counsel. Entry and exit may only  
15 be made during official recesses.

16 This morning, when it was  
17 announced Mr. Zapruder was going to  
18 be permitted to introduce his film,  
19 when we get to it, someone rushed out  
20 of the courtroom. If that happens  
21 in the future that person's creden-  
22 tials will be taken away. You have  
23 co-operated with me for 23 days and  
24 I have enough problems of my own  
25 without worrying about the reporters



1 and spectators, so I would appreciate 64  
2 co-operation in this matter.

3 One other matter; when court is  
4 adjourned for the evening at 5:30 and  
5 all the spectators have left, and the  
6 Jury has left, I will permit the  
7 various news media to photograph  
8 these three exhibits. As you know,  
9 we have pins placed in certain  
10 exhibits and if we start moving them  
11 from the courtroom to any other place  
12 we may knock the pins out. If the  
13 witness has already left town there  
14 may be a discussion as to where the  
15 pin belonged in the first place. It  
16 is very important these exhibits be  
17 not touched by anybody. If I make  
18 that concession to the press at 5:30  
19 this afternoon or quarter to 6:00, if  
20 you will act like gentlemen and come  
21 in here I will permit you to photo-  
22 graph the three exhibits. No one will  
23 get near or touch them because if you  
24 do you may destroy them. If you want  
25 to get word to your photographers I

1 will permit you to come in this area  
2 over here and take pictures of the  
3 three exhibits.

4 Number one, please do not enter  
5 or leave during testimony.

6 Number two, you will be able to  
7 take photographs of these exhibits  
8 this afternoon.

9 Bring the Jury back, please.

10 (WHEREUPON, the Jury returned to the  
11 courtroom.)

12 THE COURT:

13 Is the State and Defense ready to proceed?

14 MR. DYMOND:

15 We are ready, Your Honor.

16 MR. ALCOCK:

17 We are ready, Your Honor.

18 THE COURT:

19 The status of Mr. West is that he has  
20 been tendered for cross-examination.

21 MR. ALCOCK:

22 That is correct.

23 CROSS-EXAMINATION

24 BY MR. DYMOND:

25 Q You have been working in the vicinity of

1 Dealey Plaza for many years, have you not,  
2 sir?

3 A Yes, sir.

4 Q About how many years?

5 A Oh, since 1942.

6 Q Is it not a fact, Mr. West, that Elm Street,  
7 before it goes under the triple overpass,  
8 declines rather sharply?

9 A Considerably.

10 Q Is it not also a fact, Mr. West, there being  
11 many buildings around Dealey Plaza there,  
12 that you have the effect of a valley which  
13 is very susceptible to echoes and in which  
14 it is very difficult to determine the  
15 direction from which sound is coming?

16 A Number one, I don't remember ever having heard  
17 an echo, or what I knew was an echo. As  
18 to which way sound is coming from, I don't  
19 know I ever had any trouble.

20 Q You say you heard four noises, the first two of  
21 which you thought were motorcycle  
22 backfires and the last two of which you  
23 thought were shots, is that right?

24 A Right.

25 Q Mr. West, in your mind are you positive as to

1 the number of sounds you heard, or is that 67  
2 a matter of some conjecture?

3 A That was my response on that day.

4 Q You do admit, sir, the circumstances were very  
5 exciting and created a situation which was  
6 very possibly susceptible to error, do you  
7 not, sir?

8 A They were extremely exciting.

9 Q I take it you recognize the fact you could be  
10 mistaken as to the number of sounds, is  
11 that right, sir?

12 A It is possible.

13 Q Mr. West, do you remember approximately when  
14 the parade route, that is the route which  
15 the presidential motorcade would take, was  
16 made public in Dallas?

17 A No, sir, I do not.

18 Q Could you tell us approximately how long before  
19 the 22nd of November, 1963 --

20 MR. ALCOCK:

21 Objection, he has already answered the  
22 question.

23 THE COURT:

24 I will sustain the objection. If a  
25 person says he doesn't know how can

you get him to approximate it?

68

MR. DYMOND:

He may have learned it from what was  
published in the newspapers.

MR. ALCOCK:

It is hearsay what he read in the  
newspapers.

THE COURT:

Can you approximate the time? When was  
it made public?

THE WITNESS:

I don't know when it was made public.

All of the parades up to that time  
in Dallas were down Main Street.

They all came by the courthouse and  
therefore I felt, or knew, the  
parade would come down Main Street.

The route of the procession, as to  
when it was published, I couldn't  
say.

BY MR. DYMOND:

Q When did you first learn that President Kennedy  
was going to come to Dallas? About how  
long before November 22?

A Well, I knew at least a day before when he was

in Fort Worth that the plans were for him  
to come to Dallas.

69

Q Did you know as much as a week before  
November 22?

A I couldn't say.

Q Mr. West, would you mind stepping down to this  
plat here and pointing out the relative  
positions --

THE COURT:

Your back is turned to the Court Reporter,  
Mr. Dymond, so would you mind speaking  
loudly, please?

BY MR. DYMOND:

Q The exhibit is State-35. Would you point out  
the relative positions where you were  
standing and the spot where you saw the  
motorcade first on Elm Street? Would you  
put your finger on each one of them?

A I was standing at the point indicated by the  
pin here at the southeast corner of the  
intersection of Main and Houston. The  
first time I saw the motorcade at Elm  
Street was at this point here immediately  
after we had turned onto Elm Street.

Q Would you kindly place an X on the spot where

you first saw the motorcade enter Elm  
Street?

A It is approximately at this spot I have marked  
with an X on my map.

Q Where was the motorcade when you next saw it  
on Elm Street?

A It was approximately where I have indicated by  
this X, the first X to the left here.

Q Could you tell me approximately how many feet  
the motorcade was when you saw it at the  
second spot indicated at Elm Street?

A How many feet between the two points do you  
mean?

Q Between you and the spot where you next saw  
the parade on Elm Street.

A I would have to have a scale. 360 feet  
approximately.

Q All right, sir, you may take the stand again,  
thank you. I understand, Mr. West, it was  
your opinion that the noises which you  
heard came from northwest of you, is that  
correct?

A Right.

Q I would take it that you would not claim to be  
able to tell exactly what direction

1           they came from, that is in degrees, would  
2           you, sir?

71

3    A    No, sir.

4    Q    But you would say generally in a northwesterly  
5           direction, is that right?

6    A    Right.

7    Q    I'm going to ask you whether it is not a fact  
8           that the Texas School Book Depository was  
9           slightly northwest of where you were  
10          standing at that time?

11   A    Right.

12   Q    It was?

13   A    Yes, sir.

14   Q    I hate to impose upon you again, but would you  
15          mind stepping back to the map and pointing  
16          out where the Texas School Book Depository  
17          is? I would ask you to place an X on it.

18   A    It is in the upper right-hand corner of the  
19          map, indicated on the map by Texas School  
20          Book Depository, 411 Elm Street.

21   Q    Would you also point it out on the aerial  
22          photograph?

23   A    It is in the same relative position, the Texas  
24          School Book Depository Building, lettered  
25          on the front of the building.



1 Q Would it be possible on the aerial photograph  
2 to place an X on the spot you were  
3 standing?

4 A It would be close. I couldn't say whether I  
5 would be behind the part of the old  
6 courthouse shown or not.

7 Q Would you do your best and explain what error  
8 there may be in this?

9 A I would be on the sidewalk on the south side of  
10 Elm Street approximately to the left of  
11 the old courthouse building. I could have  
12 been 5 feet further to the right or behind  
13 the building.

14 Q You could possibly be further to the right of  
15 Main Street to an extent which would not  
16 be shown on this aerial photograph, is that  
17 right, sir?

18 A Right.

19 Q You may return to the stand, Mr. West.

20 Thank you, sir. Mr. West, you say Dealey  
21 Plaza in general was quite crowded on that  
22 day, was it not, sir?

23 A There were quite a few people in Dealey Plaza.  
24 As far as the open area being full of  
25 people, no, sir.

1 Q Is it not a fact, sir, some of the actual  
2 participants in that motorcade ran back  
3 towards the grassy knoll area after the  
4 shots were fired?

5 A I don't know who they were. I know the City  
6 policeman whose motorcycle was parked  
7 there at the curb was up on the grassy  
8 knoll.

9 Q I take it you don't know if they were trying  
10 to get away from the shots or why they were  
11 going over the fence?

12 A No, sir.

13 MR. DYMOND:

14 That's all, thank you, sir.

15 REDIRECT EXAMINATION

16 BY MR. SCIAMBRA:

17 Q Mr. West, you went in the direction of the  
18 grassy knoll --

19 MR. DYMOND:

20 Objection to leading the witness.

21 MR. SCIAMBRA:

22 He testified to it.

23 MR. DYMOND:

24 I object to repeating the witness' answer.

25 BY MR. SCIAMBRA:

1 Q In what direction did you go after the motor- 74  
2 cade disappeared under the underpass?

3 A Towards what is shown as the grassy knoll.

4 Q Why did you go in that direction?

5 A Because that is what appeared to me --

6 MR. DYMOND:

7 I object to what appeared to him to be.

8 THE COURT:

9 I will overrule the objection.

10 MR. DYMOND:

11 To which ruling Counsel reserves a bill,  
12 making the question, the answer and  
13 the entire testimony up to this point  
14 and the ruling of The Court as part  
15 of the bill.

16 THE WITNESS:

17 It appeared to me all the action, all the  
18 activity, was going on in that  
19 particular part.

20 BY MR. SCIAMBRA:

21 Q How many parades have you seen come down  
22 Main Street?

23 A One hundred I guess.

24 Q In order to go from Main Street in the most  
25 direct route to the Trade Mart, in what

direction would you go on reaching Houston?

75

A I would go to Elm Street.

Q Why is that, sir?

A To get on the Stemmons Freeway.

Q Why would you turn off of Main Street at that point?

A There is no access from Main Street to the Stemmons Freeway. The only access to it is from Elm Street.

Q Did you testify before the Warren Commission?

A No, sir.

Q Did any FBI agent ever interview you?

A Ever what?

Q Ever interview you relative to what you heard in Dealey Plaza?

A No, sir.

MR. SCIAMBRA:

I have no further questions.

RE-CROSS-EXAMINATION

BY MR. DYMOND:

Q Did you ever see Lee Harvey Oswald there?

A No.

Q Did you ever see this Defendant, Clay Shaw there?

A No, sir.

1 MR. DYMOND:

2 That's all.

3 THE COURT:

4 You may step down.

5 (WITNESS EXCUSED.)

6 ...oOo...

7 ABRAHAM ZAPRUDER,

8 recalled to the stand, having previously been sworn  
9 testified further on his oath as follows:

10 THE COURT:

11 Your previous oath is still binding,

12 Mr. Zapruder.

13 DIRECT EXAMINATION

14 (CONTINUED)

15 BY MR. OSER:

16 Q Mr. Zapruder, will you tell me again where your  
17 business is located?

18 A 501 Elm Street.

19 Q1 In what building is that?

20 A The Daltex Building.

21 Q On November 22, 1963, did you have an occasion  
22 to be in the area of Dallas, Texas, known  
23 as Dealey Plaza?

24 MR. WILLIAM WEGMANN:

25 This is repetitious.

1 MR. OSER:

2 I am getting back to where we were.

3 THE WITNESS:

4 I don't understand the question. Will  
5 you repeat it?

6 THE COURT:

7 I will allow the question.

8 BY MR. OSER:

9 Q On the date of November 22, 1963, did you have  
10 an occasion to be in that area of Dallas  
11 known as Dealey Plaza?

12 A I imagine you mean at the place where I was  
13 taking pictures.

14 Q Yes.

15 A Yes, I came down to take pictures of the  
16 President and whatever it was.

17 Q From what area or location did you view the  
18 motorcade? Where were you?

19 A I was on the abutment. Do you mean geographical-  
20 ly, whether it is east, west, north or  
21 south? Is that what you want to know?

22 Q Yes, sir. Where were you?

23 A I will have to figure it out.

24 Q Where were you standing?

25 A When I took the pictures?

1 Q Yes, sir.

2 A On a concrete abutment.

3 Q I ask you to step down in front of Exhibit S-34  
4 for the purpose of identification, and  
5 point out to The Court whether you can  
6 locate your position where you were  
7 standing when you took some movie films on  
8 November 22, 1963, if you would, please?

9 A Right here.

10 Q Would you put an X there please?

11 THE COURT:

12 May I make a suggestion; we are going to  
13 have too many X's. Would you put a  
14 Z for Zapruder.

15 BY MR. OSER:

16 Q I direct your attention to Exhibit S-36 for  
17 purpose of identification, which I am now  
18 pointing to -- I am sorry, S-35. Could  
19 you locate the position on this exhibit  
20 where you were on November 22, 1963, taking  
21 motion pictures?

22 A Over here.

23 Q Mr. Zapruder, would you please place this pin  
24 with your name thereon at the location?

25 A (The witness complies.)

1 Q Now, Mr. Zapruder, I direct your attention to  
2 State Exhibit S-36 for identification, and  
3 ask if you can locate on this markup the  
4 location you were on November 22, 1963?

5 A Is this the Daltex Building?

6 THE COURT:

7 Unless the Jury can hear you it is no good  
8 your giving evidence.

9 THE WITNESS:

10 I asked if this was the Daltex Building.

11 THE COURT:

12 I can't hear a word you are saying.

13 THE WITNESS:

14 I asked if this was the Daltex Building.

15 THE COURT:

16 If you don't know, who would know it?

17 THE WITNESS:

18 Give me some time.

19 THE COURT:

20 You can take all the time you need.

21 BY MR. OSER:

22 Q I give you a small emblem. Would you place  
23 that in the location where you were when  
24 you took the photographs?

25 A (The witness complied.)



1 Q Thank you. Have your seat back, please, on the 80  
2 stand. Mr. Zapruder, as you were standing  
3 in this location that you have pointed out  
4 taking your motion pictures what, if  
5 anything, did you see as you took this  
6 film? Would you please describe it for  
7 the Jury?

8 A I don't understand the question.

9 Q What did you see as you took your films in  
10 Dealey Plaza that day? Explain to the  
11 Jury.

12 A I saw the approaching motorcade of the  
13 President coming from Houston Street,  
14 turning left on Elm Street and coming  
15 down towards the underpass. As they were  
16 approaching where I was standing I heard  
17 a shot and noticed where the President  
18 leaned towards Jackie. Then I heard  
19 another shot which hit him right in the  
20 head, over here, and his head practically  
21 opened up and a lot of blood and many more  
22 things came out.

23 Q At the time, Mr. Zapruder, you heard the first  
24 shot were you able to see what reactions,  
25 if any, President Kennedy made at the

1 time you heard this first shot? What  
2 did he do, sir, as you saw it?

81

3 A As I said, he grabbed himself with his hand  
4 towards his chest or throat and leaned  
5 towards Jackie.

6 Q At the time you heard the second shot, would  
7 you describe the reactions of  
8 President Kennedy as you saw them?

9 A He leaned about the same way in falling towards  
10 Jacqueline, forward, down towards the  
11 bottom of the car.

12 Q What happened at the time of the second shot  
13 in regard to President Kennedy?

14 A What happened -- I don't understand.

15 Q As you saw it, what happened at the time the  
16 second shot went off in regard to  
17 President Kennedy? What did you see?

18 A I thought I just described what I saw. You  
19 mean where it hit him?

20 Q Yes.

21 A I saw the head practically open up and blood  
22 and many more things, whatever it was,  
23 brains, just came out of his head.

24 Q At the time when you heard these two shots,  
25 who was standing with you, if anybody?

1 A One of my secretaries was right behind me.

2 Q After the car passed under the underpass, what  
3 did you do?

4 A I got off the abutment and walked towards my  
5 office. I was screaming "They shot him,  
6 they shot him." People asked me what  
7 happened, they probably didn't see what  
8 happened, they heard a shot but didn't  
9 see actually what happened. I kept saying,  
10 "They killed him, they killed him," and  
11 went to my office.

12 Q When you got to your office what, if anything,  
13 did you do with regard to your movie  
14 camera and films?

15 A I had my secretary call either the police or  
16 the FBI, I don't remember which. She  
17 called somebody. ~~The Secret Service.~~

18 Q After this did you do anything in regard to  
19 your film? Did you go anywhere with your  
20 film?

21 A Yes, sir, a patrol car came and took me down  
22 to a station where they were trying to  
23 develop films, but they hadn't got the  
24 facilities to develop colored film. We  
25 called the Eastman Kodak people and made

1 arrangements for them to develop the  
2 film. We went to the Eastman people.

3 Q After going to the Eastman people did you go  
4 anywhere else with your film?

5 A Yes. They advised me not to cut the film.

6 This was 8 millimeter of the old type that  
7 was actually a 16 millimeter film, it was  
8 cut after it was developed, and they  
9 advised me to go to another -- I think it  
10 was Jameson film, or something like that,  
11 to have them developed there into a 16,  
12 and they were to somehow process it and  
13 split 8 millimeter, and that's what I did.

14 Q As a result of going with your film to these  
15 various locations, Mr. Zapruder, did you  
16 have in your possession a developed roll  
17 of film, and if so, how many of them?

18 A The first time the Jameson people developed  
19 the original 16 millimeter, then copies  
20 were made at Eastman. I had three copies  
21 plus the original.

22 Q What, if anything, did you do with the three  
23 copies and one original?

24 A One copy was given to the Dallas Secret  
25 Service, and one they asked me to bring

1 over to somewhere on Akard Street, I  
2 believe it was the FBI or Secret Service,  
3 to give them a copy to be sent to  
4 Washington. I think it was sent to  
5 Washington the same night by Army plane.  
6 One copy was given to Life Magazine.

7 Q During the time your film was being processed,  
8 were you present, sir?

9 A Yes, sir, I was.

10 Q On that particular day did you have occasion  
11 to view what your film showed?

12 A Yes, the same evening I saw this film.

13 Q Mr. Zapruder, do you have in your possession at  
14 this present time a copy of this film?

15 A Yes, I do.

16 Q May I have it, sir?

17 A Yes.

18 MR. OSER:

19 If The Court please, the State will mark  
20 the envelope containing a roll of  
21 film as S-37 for purposes of  
22 identification.

23 THE COURT:

24 And for purposes of identification only?

25 MR. OSER:

Yes, sir.

85

BY MR. OSER:

Q The contents of this package, the roll of film, have you had occasion to view the contents of this film?

A Yes, sir.

Q What is contained on this roll of film, is that the same as you saw it from the developed original on November 22, 1963?

A Yes, sir.

Q Mr. Zapruder, what is depicted on this exhibit I have marked as S-37, the roll of film, as you saw it?

MR. DYMOND:

I object. We object to his testifying as to what is depicted on it. If the film is admissible the film itself is best evidence.

THE COURT:

I sustain the objection.

MR. OSER:

At this time we offer into evidence that which we previously marked for identification as S-37, the film testified to by Mr. Zapruder.

1 MR. DYMOND:

86

2 At this time we would like to traverse on  
3 the offer.

4 THE COURT:

5 You may traverse.

6 BY MR. DYMOND:

7 Q You say you were present when the copies of  
8 your film were made?

9 A Yes, sir.

10 Q Were you actually present in the room in which  
11 these copies were being made?

12 A Yes, sir, I was in the processing room watching  
13 them actually process the film.

14 Q Is the copy you have here today identical to  
15 the original or are there any plates  
16 missing out of this copy?

17 A That would be hard for me to tell, sir.

18 THE COURT:

19 I cannot hear the witness. What is it?

20 THE WITNESS:

21 That would be hard for me to say. He  
22 asked me if there are any frames  
23 missing.

24 THE COURT:

25 What is your answer?

1 THE WITNESS:

87

2 I couldn't say.

3 BY MR. DYMOND:

4 Q So you don't know whether it is a complete copy  
5 of the film you took on the 22nd of  
6 November?

7 A Not if there are one or two frames missing, I  
8 couldn't tell you.

9 Q Mr. Zapruder, when these copies were made, do  
10 I understand you ended up with an original  
11 and two copies of the film?

12 A Yes, sir.

13 Q You gave one copy to the Dallas Police  
14 Intelligence Section, is that correct?

15 A Yes, sir.

16 Q One copy to the FBI?

17 A Correct.

18 Q And one copy to Life Magazine?

19 A Yes, sir.

20 Q Where did you get this copy you have produced  
21 here in court today, if you disposed of  
22 all the copies?

23 A I got them from Mr. Oser's office.

24 Q In other words, this film has not been in your  
25 possession up until now, is that correct?



1 A No. It was given to me in his office.

2 MR. DYMOND:

3 That is all we have on traverse, Your  
4 Honor, and we submit the proper  
5 foundation has not been laid for  
6 the introduction of this film in  
7 evidence.

8 THE COURT:

9 Take the Jury out, Sheriff.

10 (WHEREUPON, the Jury retired from  
11 the courtroom.)

12 THE COURT:

13 The objection is well taken for this  
14 reason: Mr. Zapruder did not bring  
15 this film with him, and I would  
16 suggest before I make a final ruling  
17 that you roll the film for the  
18 benefit of Mr. Zapruder only so that  
19 he can see what is depicted on that  
20 day. You could then renew your  
21 offer and I will rule on it.

22 MR. OSER:

23 All right, Your Honor.

24 THE COURT:

25 Is it necessary for us to black out and

cut the lights out in the room?

89

MR. OSER:

I think so, Your Honor.

THE COURT:

Very well. Sheriff, will you throw those switches. Mr. Zapruder, when this equipment is properly rigged up and they play this film, don't say anything while they are playing the film. You will be asked questions after the film is played.

(WHEREUPON, the film was shown.)

THE COURT:

Before we bring the Jury in, I think the State has to ask a question of this witness.

MR. DYMOND:

There is one question I would like to ask also. Judge.

THE COURT:

Let Mr. Oser ask his question first.

BY MR. OSER:

Q Mr. Zapruder, from having seen the film just projected on the screen, can you tell us whether or not this represents what you

1 saw on November 22, 1963, after your  
2 original film was developed in Dallas,  
3 Texas?

4 A I would say they do.

5 THE COURT:

6 I didn't hear you again.

7 THE WITNESS:

8 I would say that they do. Yes, they do.

9 BY MR. DYMOND:

10 Q Mr. Zapruder, are you able to testify that this  
11 film that you have just seen run is a  
12 complete copy of the pictures taken by you  
13 on that day, no frames being missing?

14 A By complete, what do you mean? If there are  
15 any frames removed or so?

16 Q Any frames removed or damaged or for any  
17 reason not shown in this film?

18 A I couldn't tell you.

19 Q So you couldn't tell whether any part has been  
20 skipped, is that correct?

21 A I could not.

22 THE COURT:

23 Bring the Jury back.

24 (WHEREUPON, the Jury returned to the  
25 courtroom.)

1 THE COURT:

2 All right, Mr. Oser, you may proceed.

3 BY MR. OSER:

4 Q Mr. Zapruder, from having seen what was  
5 projected on this film, can you tell The  
6 Court whether or not it appears to be the  
7 same as you viewed your original film on  
8 November 22, 1963 in Dallas, Texas?

9 A Yes, it does.

10 MR. OSER:

11 I tender the witness on traverse.

12 BY MR. DYMOND:

13 Q This will sound repetitious, but it is because  
14 the Jury has now come in. Having viewed  
15 this film, sir, are you in a position to  
16 say whether the film you have just seen  
17 is a complete copy of what you took with-  
18 out any frames having been deleted or  
19 taken out or skipped?

20 A I couldn't tell if any frames were removed.

21 Seen as a whole it shows what I have seen.  
22 Seeing you have 18 frames a second you  
23 can take out one or two and I couldn't  
24 tell.

25 Q Weren't some frames damaged by the people at

1 Life Magazine to the point where copies  
2 couldn't be made of them?

3 MR. OSER:

4 Objection.

5 THE COURT:

6 I will permit the question on traverse.

7 THE WITNESS:

8 I don't know, I couldn't verify that.

9 THE COURT:

10 Is the matter submitted?

11 MR. OSER:

12 We submit it, Your Honor.

13 THE COURT:

14 I rule the film may be shown to the Jury.

15 MR. DYMOND:

16 To which ruling Counsel reserves a bill  
17 of exception firstly because the  
18 film is irrelevant, secondly it has  
19 not been established this is the  
20 complete film, and further, it has  
21 not been in the possession or under  
22 the control of this witness from the  
23 time of its inception until the  
24 present time, making all this  
25 witness' testimony, the film which

1 has been marked for identification as 93  
2 State-37, and the entire record up  
3 to now part of the bill.

4 THE COURT:

5 The Court's ruling was made after the Jury  
6 had retired and the witness was given  
7 an opportunity to see the film, since  
8 it was not in his continuous  
9 possession. You may proceed.

10 MR. OSER:

11 At this time the State requests permission  
12 to play the film.

13 THE COURT:

14 Permission granted. Gentlemen of the Jury,  
15 please pay close attention to what  
16 you are about to see.

17 (WHEREUPON, the film was then shown  
18 again.)

19 THE COURT:

20 If it is requested by the Jury we will  
21 rerun the film.

22 MR. OSER:

23 If The Court please, I would like the  
24 record to reflect that I am now  
25 turning over the exhibit to the

Clerk of the Court, that is S-37.

94

THE COURT:

You mean the Minute Clerk. I have already ruled on the fact it may be shown to the Jury. Is there any objection to its admission?

MR. DYMOND:

I have already objected earlier.

THE COURT:

It may be admitted.

(Whereupon, the exhibit having been previously identified as "S-37" was received in evidence.)

THE COURT:

The witness may be excused.

(Whereupon the witness was excused.)

THE COURT:

We will take a five-minute recess.

(Whereupon a short recess was taken.)

THE COURT:

Gentlemen, before we proceed any further,

I have been advised that the Jury would like to have the film replayed.

I will order the Minute Clerk, who has possession of Exhibit S-37, to

1 turn it back over to Mr. Oser.

2 Let that show in the record.

3 (Whereupon, the film was then shown  
4 again.)

5 THE COURT:

6 I have been advised that a reporter had the  
7 gall to ask if he could take a picture  
8 of this film while it was being shown  
9 in court. Don't they realize all rights  
10 are reserved on this picture?

11 MR. OSER:

12 That is why I turned it over to The Court.

13 THE COURT:

14 I don't want anybody surreptitiously trying  
15 to take pictures of this film.

16 Let the film be shown again frame by frame.

17 (Whereupon, the film was then shown again,  
18 frame by frame.)

19 A MEMBER OF THE JURY:

20 Begging your pardon, but I would appreciate  
21 it if we could see the last half of this  
22 film one more time at normal speed.

23 THE COURT:

24 Very well, rewind it.

25 (Whereupon, the last half of the film



was then played again.)

96

THE COURT:

Was that the part you wanted?

A MEMBER OF THE JURY:

Yes, sir, thank you, sir.

THE COURT:

Gentlemen, I understand from the State

they have a witness who wants to be

heard this afternoon. It is 29

minutes after 5:00. Is your witness

planning to leave the state this evening?

MR. ALCOCK:

Yes, sir.

THE COURT:

How long will he be?

MR. ALCOCK:

Direct Examination will take no more than

10, 15 minutes.

MR. OSER:

May the record reflect I am returning

the film to the Minute Clerk.


...ooo...

C E R T I F I C A T E

I, the undersigned, Clifford Jefferson, do  
hereby certify:

That the above and foregoing (96 pages of  
typewritten matter) is a true and correct transcription  
of the stenographic notes of the proceedings had herein,  
the same having been taken down by Clifford Jefferson and  
transcribed under his supervision, on the date and day  
hereinbefore noted, in the Criminal District Court for  
the Parish of Orleans, State of Louisiana, in the matter of  
the State of Louisiana vs. Clay L. Shaw, 198-059 1426 (30)  
Section "C" on the 13th day of February, 1969, before the  
Honorable Edward A. Haggerty, Jr., Judge, Section "C",  
being an excerpt of the testimony of certain witnesses  
as shown in the index hereof.

New Orleans, Louisiana, this 23rd day of May,  
1969.

  
CLIFFORD JEFFERSON  
REPORTER



Testimony of Buell Wesley Frazier  
February 13<sup>th</sup>, 1969

002020

1969  
Reference copy, JFK Collection: HSCA (RG 233)

...oOo...

BUELL WESLEY FRAZIER,

after first being duly sworn, was examined and  
testified on his oath as follows:

THE COURT:

What is your first name, sir?

THE WITNESS:

Buell.

DIRECT EXAMINATION

BY MR. ALCOCK:

Q Mr. Frazier, where do you reside?

A I live in Irving, Texas.

Q Where is that in relation to Dallas, Texas?

A It is a suburb of Dallas.

Q How long have you resided in Irving, Texas?

A I first went to live there in 1963.

Q When was it that you first moved to Irving,  
Texas? What month, if you can recall?

A Would you repeat the question?

Q What month did you first move to Irving,  
Texas, in 1963?

A It was then around the first part of September.

Q With whom were you staying at that time in  
Irving?

A I was staying with my sister.

2

Reference copy, JFK Collection: HSCA (RG 233)

- 1 Q What is her name?
- 2 A Lynn Randell.
- 3 Q Were you employed at that time?
- 4 A When I first came to Irving I was not.
- 5 Q Were you subsequently employed?
- 6 A When I came there to live with her I came for
- 7 a reason, I came to look for a job and I
- 8 did find one.
- 9 Q Where did you go to work?
- 10 A I went to work for Texas School Books.
- 11 Q Where is that located?
- 12 A In Dallas.
- 13 Q Can you tell us the location of it?
- 14 A It is located on Elm Street. The address is
- 15 411 I believe. It is the intersection of
- 16 Elm and Houston.
- 17 Q What were your duties at the Texas School Book
- 18 Depository?
- 19 A I was an order filler.
- 20 Q Generally what would that consist of?
- 21 A It would generally consist of the filling of
- 22 the invoices that came from upstairs in
- 23 the office. They send them down and the
- 24 order fillers take the invoices. You have
- 25 items listed on there which are books, and

1                   you go to the different floors on which  
2                   they are stored and you would fill the  
3                   order.

4       Q       Did you know at that time a woman by the name  
5                   of Ruth Paine?

6       A       When I was working at the Texas School Books?

7       Q       Yes.

8       A       Well, I had heard her name but as far as really  
9                   knowing her, like a close friend, no, I  
10                  did not.

11      Q       Did you know where she lived?

12      A       Yes, I did.

13      Q       Where was that in relation to your residence?

14      A       She lived up the block about half a block up  
15                  the street.

16      Q       In the month of October, 1963, did you have  
17                  occasion to meet a man by the name of  
18                  Lee Harvey Oswald?

19      A       Would you repeat that question again, please?

20      Q       In the month of October, 1963, did you have  
21                  occasion to meet a man by the name of  
22                  Lee Harvey Oswald?

23      A       Yes, sir, I did.

24      Q       Where did you first meet him?

25      A       I first met Lee at Texas School Books.

Reference copy, JFK Collection: HSCA (RG 233)

4

1 Q You called him Lee?

2 A Yes.

3 Q Was he working there at the time?

4 A The first time I saw him was when he first came

5 to work there.

6 Q Can you approximate the date for us, sir?

7 A It was sometime around the middle of October,

8 I believe.

9 Q That was in 1963, is that correct?

10 A Right.

11 Q Mr. Frazier, I am going to show you a picture

12 which I have previously marked for

13 purposes of identification as State's

14 Exhibit 1, and ask you to view this

15 photograph. As a result of having viewed

16 it do you recognize the individual

17 pictured in that photograph?

18 A Yes, I do.

19 Q Who is that?

20 A Lee Harvey Oswald.

21 Q Is this the man you worked with at the Texas

22 School Book Depository?

23 A Yes, sir, it is.

24 Q Did you, Mr. Frazier, commute to work daily

25 from Irving to Dallas?

5

5

Reference copy, JFK Collection: HSCA (RG 233)

1 A Yes, sir.

2 Q I take it you had an automobile at this time,

3 is that correct?

4 A Yes, sir, I did.

5 Q Did you know where Lee Harvey Oswald lived when

6 he first went to work at the depository?

7 A No, sir, I did not.

8 Q Did you subsequently find out?

9 A Through generally talking to him I found out

10 he had an apartment over in Oak Cliff.

11 Q Did he ever have occasion to drive to Irving,

12 Texas with you?

13 A Would you repeat that again?

14 Q Did Lee Harvey Oswald ever drive to Irving,

15 Texas with you?

16 A He rode home with me on Friday afternoon

17 because he went to see his wife who at

18 that time was staying at Miss Paine's,

19 and then he would ride back to work with

20 me on Monday morning.

21 Q Is this the same Miss Paine who lived up the

22 street from where you were staying at the

23 time?

24 A Yes, sir.

25 Q What sort of work did Oswald do at the



Reference copy, JFK Collection: HSCA (RG 233)

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depository, if you know?

A He did the same type of work I did. He filled orders.

Q What sort of clothing would you wear in doing this kind of work?

A Well, the type of clothes fellows wore there were just regular old working clothes, like bluejeans and a shirt that you wouldn't mind getting dirty or if it got tore, or something like that, you wouldn't be out a great deal of money on it. It was just an average shirt.

Q Approximately, Mr. Frazier, how many times, if you can recall, did Lee Harvey Oswald ride home with you on a Friday night from Dallas, Texas to Irving, Texas? Can you approximate that for us?

A He went home nearly every Friday for the week-end, except one week-end prior to the assassination.

Q Do you know the reason why he didn't go with you on that occasion?

A Yes. I asked him and he said that he was working on his driving license and he was going to take a driving test.

Reference copy, JFK Collection: HSCA (RG 233)

- 1 Q Do you know as a matter of fact whether or not
- 2 he ever obtained a driving license?
- 3 A No, sir, I do not.
- 4 Q Did you see him at all that week-end? That
- 5 would be the week-end preceding the
- 6 assassination? Did you see Lee Harvey
- 7 Oswald at all that week-end?
- 8 A Would you repeat that again?
- 9 Q Did you see Lee Harvey Oswald on the week-end
- 10 preceding the assassination of the
- 11 President? That would be the week-end he
- 12 didn't go home to Irving, Texas?
- 13 A No, sir, I did not.
- 14 Q Were you ever in Lee Harvey Oswald's apartment
- 15 in Oak Cliff, Dallas?
- 16 A No, sir.
- 17 Q Mr. Frazier, these trips from the Book
- 18 Depository in Dallas to Irving, did you
- 19 engage Oswald in much conversation?
- 20 A No, sir, I did not.
- 21 Q Is there any reason why you did not?
- 22 A Well, he was not a talkative type. Some
- 23 people are not. I don't believe if
- 24 someone doesn't want to talk to you you
- 25 can force them to talk.

8

Reference copy, JFK Collection: HSCA (RG 233)

1 Q What do you mean, not a talkative type?

2 A For example, some people are more friendly than

3 others. They will talk to anybody they

4 see. They always seem to have something

5 to talk about. He was just the opposite.

6 He didn't have a friendly approach to

7 people and he did not talk generally to

8 most anybody.

9 Q During the course of your employment, did you

10 have occasion to observe Oswald in

11 relation to his fellow employees, that

12 would be the other people working with

13 him at the Texas School Book Depository?

14 A Yes, sir, I did.

15 Q From your observations was he with them very

16 much?

17 MR. DYMOND:

18 Objection.

19 THE COURT:

20 Rephrase the question.

21 BY MR. ALCOCK:

22 Q Did you see Lee Harvey Oswald with his fellow

23 employees at the Book Depository very

24 often?

25 A With the type of work we did sometimes you work

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Reference copy, JFK Collection: HSCA (NG 233)

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with someone and sometimes you worked by yourself filling an order. It would depend on how big it was. Sometimes you would have several thousand on it and they may want it shipped by the next day and maybe one man couldn't get it ready for the freight line pickup.

Q Did you see him often with his fellow employees say at lunch time?

A No, sir, I did not. I know when he first went to work there he would sit around while the fellows ate their lunch, some played cards or dominoes but it seemed he was more or less a loner. He would stay by himself.

Q What colored hair did Lee Harvey Oswald have, as you recall?

A He had a light colored hair. It looked like he had blond, kind of blond brown, maybe it had a red tint to it.

Q Do you recall how he combed it, Mr. Frazier?

A Well, he was not the type you might say who was a pretty boy. He combed his hair, and if it got messed while he was working he didn't stop to take time to comb it.

Reference copy, JFK Collection: HSCA (NG 233)

- 1 Q Have you seen it messed up at work on occasion?
- 2 A Sometimes if you hit your head or something and
- 3 your hair sticks up more than what it
- 4 normally does, he wouldn't make any effort
- 5 to comb it.
- 6 Q Did you have occasion to observe the clothing
- 7 worn by Lee Harvey Oswald while he was
- 8 working at the Book Depository?
- 9 A Yes, sir, he wore most the same type of clothes
- 10 anybody else wore. He wore the older
- 11 type of clothes most men wore at the
- 12 warehouse. You don't buy special outfits
- 13 to work at a warehouse, because you have
- 14 cartons and crates and all that, and there
- 15 is no reason to wear real nice clothes
- 16 working in a warehouse.
- 17 Q Did you ever see Lee Harvey Oswald when he was
- 18 not at the Book Depository or when he was
- 19 not in your automobile either going from
- 20 the Depository to home or home to the
- 21 Depository?
- 22 A You mean for other days other than he went to
- 23 Irving with me?
- 24 Q Right.
- 25 A No.

11

Reference copy, JFK Collection: HSCA (NG 233)

1 Q You never saw him in Irving, Texas?

2 A I saw him in Irving. Sometimes the kids in  
3 the neighborhood, one kid would go to  
4 another kid's house to play, and I think  
5 I saw him several times out playing with  
6 the kids, because he would go out playing  
7 baseball or something with them. But as  
8 far as seeing him every week-end he went  
9 home, no, I did not.

10 Q Are there any topics, Mr. Frazier, you did have  
11 occasion to discuss with Lee Harvey Oswald?

12 A As I said previously, he was not a talkative  
13 type, but you could always pretty well get  
14 a comment out of him on either the weather  
15 or his babies. He had one child and his  
16 wife was expecting another. It seemed  
17 like he was always good with kids. As I  
18 said in my statement before, all the kids  
19 in the neighborhood seemed to like him.

20 Q Mr. Frazier, did you ever see Oswald drive an  
21 automobile?

22 A No, I did not.

23 Q Did you know his wife Marina Oswald?

24 A Personally, no. I was told she --

25 MR. DYMOND:

Reference copy, JFK Collection: HSCA (RG 233)

1 We object to what he was told.

2 THE COURT:

3 Do you know her or do you not know her?

4 THE WITNESS:

5 No, sir, I do not.

6 BY MR. ALCOCK:

7 Q Mr. Frazier, you testified that Lee Harvey

8 Oswald did not return with you the

9 week-end before the assassination, is that

10 correct?

11 A Would you repeat that again, please?

12 Q Did you testify that Lee Harvey Oswald did not

13 return with you in your automobile to

14 Irving, Texas, on the week-end before the

15 assassination?

16 A You mean he did not go home like he usually did

17 and come back on Monday?

18 Q Right.

19 A No, sir, he did not.

20 Q Was that the only week-end he did not go home

21 with you?

22 A That's correct.

23 Q Did he ever go home with you during the middle

24 of the week on any occasion?

25 A No, sir, except this one time prior to the

Reference copy, JFK Collection: HSCA (RG 233)

1                    assassination which was a Thursday  
2                    afternoon, which I believe was the 21st.  
3    Q            The 21st of which month?  
4    A            November.  
5    Q            Would that be the day before the assassination?  
6    A            Yes, sir.  
7    Q            Did he give you a reason for not going home on  
8                    that day?  
9    A            Yes, sir, he did.  
10   Q            What was that?  
11   A            He came up to me and asked me could he ride home  
12                    with me and I told him sure. I naturally  
13                    noticed it was not Friday and asked him  
14                    why, and he replied he was going home to  
15                    see his wife to get some curtain rods  
16                    which she had bought for him and he was  
17                    going to put some curtains up in his  
18                    apartment.  
19   Q            He said his wife had bought some curtain rods  
20                    for him?  
21   A            Yes.  
22   Q            Did you take him home that night, the night of  
23                    November 21?  
24   A            Yes, I did.  
25   Q            Do you recall any conversation you had that



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Reference copy, JFK Collection: HSCA (RG 233)

- 1 night?
- 2 A No, no more than any usual time period. Like
- 3 I say, he talked about the weather and
- 4 about his children, and that was about it.
- 5 Q Did you know the President of the United States
- 6 was going to pass in front of the Book
- 7 Depository the following day?
- 8 A I would say a couple of days before the parade
- 9 he was scheduled to come through Dallas,
- 10 several of the newspapers had various
- 11 routes showing he would be coming down the
- 12 downtown area. You have to come right by
- 13 the School Book Depository to go out the
- 14 Freeway there.
- 15 Q Is that the Stemmons Freeway?
- 16 A Yes.
- 17 Q Did Lee Harvey Oswald mention at any time on
- 18 the ride on the 21st anything about the
- 19 pending visit of the President of the
- 20 United States?
- 21 A No, sir, he did not.
- 22 Q At any time when you were working with him did
- 23 he mention the President of the United
- 24 States?
- 25 A No, sir.

15

Reference copy, JFK Collection: HSCA (RG 233)

- 1 Q Did you ever engage him in any political
- 2 conversation that you can recall?
- 3 A No, sir.
- 4 Q Did you have occasion the following morning,
- 5 that is November 22, 1963, to return to
- 6 Irving, Texas, with Lee Harvey Oswald?
- 7 A Would you repeat that?
- 8 Q On the following morning, that would be
- 9 November 22, 1963, did you take
- 10 Lee Harvey Oswald to the Book Depository?
- 11 A Yes, I did.
- 12 Q In your automobile?
- 13 A Yes.
- 14 Q Can you recall approximately what time it was
- 15 you left your home?
- 16 A Approximately around I would say between 7:20
- 17 and 7:25.
- 18 Q Where did you meet Oswald?
- 19 A I met him right outside the door, outside the
- 20 kitchen door.
- 21 Q On this occasion, Mr. Frazier, did Mr. Oswald,
- 22 or Lee Harvey Oswald have anything with
- 23 him?
- 24 A No, he did not.
- 25 Q When you got into the automobile did you see

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Reference copy, JFK Collection: BSCA (RG 233)

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anything in the automobile?

A He was outside the back door and we went to the car together. He got in on the other side and I got in in the regular side the driver gets in. As I sat down I glanced over my shoulder and saw this package lying on the back seat. I asked him, I said, "What's that?" He said, "That's the curtain rods I told you about." I said, "Oh, yes." I didn't look at the package any more and I didn't think any more about it.

Q Prior to this on your trips from Irving, Texas to Dallas on Monday mornings had Lee Oswald taken a similar package with him to the School Book Depository?

A No, he had not.

Q On your trips from the School Book Depository to Irving on the Fridays he rode with you, did he ever take a package of similar size with him?

A No, sir, he did not.

Q Where was this package in the automobile?

A Lying on the back seat on the side he sat on.

Q How much of the back seat did the package

17

Reference copy, JFK Collection: ESKA (RG 233)

1 occupy?

2 A I would say roughly around two feet, give or

3 take a few inches.

4 Q When you say "give or take a few inches," could

5 you approximate how many inches to give or

6 take?

7 A Like I said, the package was roughly around

8 two feet.

9 Q Mr. Frazier, have you been in the Armed

10 Services of the United States?

11 A Yes, sir, I have.

12 Q What branch of the Service?

13 A Army.

14 Q Were you in the Infantry?

15 A Yes, sir, I have had Infantry training.

16 Q Did you have any rifle training?

17 A Yes, sir, I did.

18 Q During the course of that training did you ever

19 have occasion to break a rifle down?

20 A Yes, sir, quite frequently.

21 Q What kind of rifle did you use in the Service?

22 A An M14.

23 Q Approximately how long was the M14 that you

24 used?

25 A I believe the correct length is 30 some odd

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Reference copy, JFK Collection: HSCA (RG 233)

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inches long.

Q 30 something inches long?

A Yes.

Q Did you ever break that rifle down?

A Yes, sir, I broke it down many times.

Q Broken down, how long was the rifle?

MR. DYMOND:

I don't think it is relevant how long a

United States Army rifle is.

THE COURT:

If Mr. Alcock tells The Court he intends

to connect it up I will permit it.

MR. ALCOCK:

Yes, Your Honor, I intend to connect it

up.

THE COURT:

You may proceed.

BY MR. ALCOCK:

Q How long was the broken down rifle?

A When you break a rifle down such as an Army weapon, you can break it down into many pieces. The first part is where you take the barrel off the stock and that reduces the size tremendously.

Q How much did it reduce your rifle?

19

Reference copy, JFK Collection: HSCA (RG 233)

1 A To be honest with you I didn't ever measure it  
2 because I didn't have any reason to.  
3 Q When you say it was reduced tremendously, would  
4 it be by half or what?  
5 MR. DYMOND:  
6 Objection, the witness said he doesn't  
7 know.  
8 THE COURT:  
9 I will permit the question. Do you have  
10 any idea what would be the longest  
11 size of the package if an Army rifle  
12 is broken down?  
13 THE WITNESS:  
14 You mean the one I broke down?  
15 BY MR. ALCOCK:  
16 Q Yes, the one you broke down.  
17 A I would say it would be roughly 20 some odd  
18 inches, because the barrel was the  
19 longest part.  
20 Q Mr. Frazier, did you ever see a rifle in the  
21 possession of Lee Harvey Oswald?  
22 A No, sir, I did not.  
23 Q On this trip from Irving to Texas School Book  
24 Depository on the 22nd, did you engage  
25 Oswald in conversation, that you can

Reference copy, JFK Collection: HSCA (RG 233)

recall?

A I remember we talked about it because when we first started off it was kind of a cloudy type misty day. It looked as though it was going to be a real nasty day. I remember I was driving along and you know how the road grime gets on your windshield and if you don't get enough rain it makes it smear, and I made a few comments about that, that it would either rain or do something.

Q Do you recall any comment he might have made to that comment of yours?

A No, sir, he did not.

Q Do you recall approximately what time you arrived at the Texas School Book Depository that morning?

A We arrived in the parking lot there I believe roughly around 8:00, or ten minutes before 8:00.

Q What, if anything, did you do when you arrived at the Texas School Book Depository?

A I parked the car, and as I was sitting there I looked at my watch and I had a few minutes.

1 about eight or ten minutes, so I sat  
2 there and was looking out over Stemmons  
3 Freeway, which you could see from the  
4 parking lot, and I said I would charge  
5 my battery for a few minutes, because I  
6 had been driving in town and you could  
7 look at your gauge and see the battery  
8 was not charging. I said to him, "I will  
9 race the engine pretty fast and charge it  
10 up a little bit."

11 Q What did Lee Harvey Oswald do when you were  
12 charging your battery?

13 A He got out of the car, got the package and  
14 walked behind the pickett fence there and  
15 stayed there like he was waiting on me.

16 Q Did you catch up with him?

17 A As soon as I cut the engine off and got out and  
18 closed the door he started walking off.  
19 I followed him but I didn't catch up with  
20 him because at that time of the morning --

21 Q Tell me, how was Lee Harvey Oswald carrying  
22 this package you described as he was  
23 walking in front of you?

24 A Parallel to his side, up and down. Like you  
25 stick it up under your armpit and the



22

Reference copy, JFK Collection: HSCA (RG 233)

- 1 other part cupped in his hand.
- 2 Q Did you determine whether it was in his
- 3 armpit or were you close enough to see
- 4 that?
- 5 A No, sir, I was not close enough to see. I
- 6 didn't pay attention to it particularly,
- 7 but as he was walking along in front of
- 8 me naturally I looked in his direction and
- 9 that is what it appeared to be from what
- 10 I saw.
- 11 Q Did you see Lee Harvey Oswald enter the
- 12 Texas School Book Depository?
- 13 A Yes, sir, I did. I saw him enter the first
- 14 door there.
- 15 Q Mr. Frazier, I'm going to ask you to leave the
- 16 witness stand, come down and view what
- 17 has been marked for the purpose of
- 18 identification as S-34. Do you recognize
- 19 the scene it depicted there?
- 20 A Would you repeat that question again?
- 21 Q Do you recognize this area here? Do you
- 22 recognize what this is?
- 23 A Yes, I do.
- 24 Q What do you recognize it as?
- 25 A This is the Texas School Books here where we

Reference copy, JFK Collection: HSCA (RG 233)

1                   worked at.

2       Q       Is this the building where you and Lee Harvey

3                   Oswald worked?

4       A       Yes, it is.

5       Q       Where did you park your car, if it can be seen

6                   in this photograph, on the morning of the

7                   assassination?

8       A       You can't see where we parked our car because

9                   we had another warehouse further down and

10                  we parked behind it.

11      Q       You can't see where you parked the car?

12      A       No, sir.

13      Q       Can you see the entrance which Lee Harvey

14                  Oswald used when he went into the building

15                  that morning?

16      A       No, sir.

17      Q       Can you see the entrance you used?

18      A       No, sir.

19      Q       You may return to the stand, thank you.

20                  Mr. Frazier, on the morning of

21                  November 22, 1963, did you have occasion

22                  to see Lee Harvey Oswald at all inside

23                  the Texas School Book Depository?

24      A       Yes, I did. I saw him several times that

25                  morning. He was walking around filling

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Reference copy, JFK Collection: ESKA (RG 233)

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orders.

MR. DYMOND:

Repeat the answer.

THE WITNESS:

He was walking around filling orders.

MR. DYMOND:

That was his normal job?

THE WITNESS:

Yes, sir.

BY MR. ALCOCK:

Q Did you have occasion to see in the building  
the package that Oswald carried into the  
building?

A No, sir. I never saw that package again.

Q What did you do at lunchtime that day?

A We learned that morning the President was due  
to come by about 12:00, so you don't get  
to see the President of the United States  
every day, so we all went outside to watch  
the parade.

Q Where did you watch the parade from, what  
location?

A I watched the parade from the top of the steps  
there, the main entrance into Texas School  
Books.

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Reference copy, JFK Collection: HSCA (RG 233)

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1 Q Let me impose on you one more time and ask you  
2 to leave the witness chair and come down  
3 here and point out where you viewed the  
4 parade from. Would you do that, please?

5 A Right here. It is the main entrance right  
6 here. There in the shadows you have  
7 several steps and a rail, and I was  
8 standing right there at the top of the  
9 rail.

10 Q Referring you to an exhibit which has been  
11 marked for the purposes of identification  
12 as State-36, can you see the Texas School  
13 Book Depository in this exhibit?

14 A Yes, sir, the Texas School Book Depository would  
15 be there.

16 Q Can you see in this exhibit where you parked  
17 that morning?

18 A No, sir, I cannot, because like I told you a  
19 while ago --

20 THE COURT:

21 We can't hear you.

22 THE WITNESS:

23 No, sir, I cannot.

24 BY MR. ALCOCK:

25 Q Can you see the spot where you were situated

26

25

Reference copy, JFK Collection: HSCA (RG 233)

1                   when the presidential motorcade came by?

2   A    Yes, sir, I can.

3   Q    Will you take this symbol and place it at that

4                   location where you were standing?

5   A    (The witness complies.)

6   Q    Mr. Frazier, do you recall who you were with

7                   during the presidential motorcade?

8   A    Yes, sir, I can. When I was standing there at

9                   the top of the stairs I was standing there

10                  by a heavysset lady who worked up in our

11                  office, her name is Sara, I forget her

12                  last name, but she was standing right

13                  there beside me when we watched the

14                  motorcade.

15   Q    Do you recall anyone else who may have been

16                  with you?

17   A    Right down in front of me at the bottom of the

18                  steps my foreman Bill Shelley (?) and

19                  Billy Loveday (?) were standing there.

20   Q    Did you see the presidential motorcade on that

21                  day?

22   A    Yes, sir, I did.

23   Q    While it was passing did anything unusual

24                  happen?

25   A    Well, as they came down Houston Street there

26

Reference copy, JFK Collection: HSCA (RG 233)

27

1 and made their turn, I saw him real good  
2 and then as they started down towards the  
3 triple underpass there right after, it was  
4 just a few seconds, some people standing  
5 on the curb there -- there is a little  
6 street runs between the Texas School Books  
7 and Elm Street, and people were standing  
8 there on the curb and more or less  
9 temporarily he was just out of their  
10 sight --

11 Q The question was, what, if anything, happened  
12 then that you recall?

13 A Sir?

14 Q What, if anything, happened then unusual that  
15 you can recall?

16 A Just right after they made the turn there there  
17 was several motorcycle policemen leading  
18 the motorcade and right after they turned,  
19 after the car made the turn, it sounded  
20 like the motorcycles were backfiring.

21 Q Was that your response to the first noise, that  
22 it was a motorcycle backfire?

23 A Yes, sir.

24 Q Did you hear any other noise?

25 A Shortly after there were two more in rapid

27

Reference copy, JFK Collection: HSCA (RG 233)

1                    succession.

2    Q            What was your response to those noises?

3    A            By that time people were running and screaming

4                    and falling down, and people were shouting,

5                    "someone is shooting."

6    Q            Have you ever gone hunting, Mr. Frazier?

7    A            Yes, sir, I have.

8    Q            Did you recognize any of the noises as rifle

9                    shots?

10   A            Well, the two that come in fast succession by

11                    that time, like I said, people were

12                    hollering, and then I recognized them,

13                    they were rifle shots.

14   Q            Approximately how much time lapsed from the

15                    first noise you heard until you heard the

16                    second noise?

17   A            It was just a few seconds.

18   Q            How much time elapsed from the time you heard

19                    the second noise until you heard the third

20                    noise?

21   A            When I heard the second noise, the third was

22                    followed nearly just right back to back.

23                    It was fired in rapid succession.

24   Q            Almost simultaneously?

25                    MR. DYMOND:

28

Reference copy, JFK Collection: ESKA (RG 233)

1 I object to leading the witness,  
2 Your Honor.  
3 THE COURT:  
4 I sustain the objection.  
5 BY MR. ALCOCK:  
6 Q Can you demonstrate by perhaps hitting your  
7 hand like this as to the succession of  
8 shots, the noises you heard?  
9 A You mean all three shots?  
10 Q Right.  
11 A Okay. (Demonstrating by clapping his hands.)  
12 Q Mr. Frazier, did you make any determination at  
13 that time from the noises that you have  
14 just reported as to what location they  
15 came from?  
16 A They appeared to me to come from down towards  
17 the triple underpass.  
18 Q Would you leave the witness stand once more  
19 and show me the area where the noise  
20 sounded to you like it came from?  
21 A Here is your triple underpass right here.  
22 THE COURT:  
23 Would you repeat your answer?  
24 THE WITNESS:  
25 I said it sounded like it came from down in



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Reference copy, JFK Collection: HSCA (RG 233)

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the area of the triple underpass.

BY MR. ALCOCK:

Q Where did you go after the noise, if anywhere?

A I didn't go anywhere. I just stayed right where I was.

Q Did you ever see Lee Harvey Oswald during that time that you were on the steps in front of the Texas School Book Depository?

A No, sir, I did not.

Q Did you go back into the building after the presidential motorcade went under the triple underpass? Did you go back into the Texas School Book Depository?

A After the shots were fired?

Q Right.

A Yes. I stayed there at first and talked to several of the people who worked there in the building. Then some of them started going back inside so I went back inside with some of the others.

Q Prior to you going back inside, did you see where any of the crowd that was viewing the presidential motorcade may have gone at the time the shots were fired?

A Quite a few people ran down, like I stated, in

30

Reference copy, JFK Collection: HSCA (RG 233)

1 the direction of the triple underpass.

2 Q Did you see any policemen there?

3 A At the triple underpass, yes, sir, there were

4 some just like regular policemen. At that

5 time, when I said previously people were

6 running and screaming and hollering, some

7 were running in that direction towards

8 where the President's motorcade was.

9 Q After going back into the Texas School Book

10 Depository Building did you have occasion

11 to see Lee Harvey Oswald?

12 A No, sir, I did not.

13 Q Where did you go when you went back into the

14 building?

15 A I went back in and I stayed there and talked

16 to some of the people who worked there in

17 the building. We talked in there. I had

18 not eaten my lunch, several of us had not

19 eaten our lunch, and I went and got my

20 lunch and ate my lunch.

21 Q Where inside the building did you eat your

22 lunch?

23 A I usually eat my lunch in the basement where I

24 hang up my coat. I sat down like I

25 usually did and ate my lunch.

31

Reference copy, JFK Collection: HSCA (RG 233)

1 Q Mr. Frazier, had you planned to take  
2 Lee Harvey Oswald back to Irving on the  
3 night of the 22nd?  
4 A No, sir, I had not.  
5 Q Why not?  
6 A He told me on the afternoon before that he  
7 would not be going home that afternoon.  
8 Q Did he give you a reason?  
9 A No, sir, he did not.  
10 Q Did you question him as to why he was not  
11 going home?  
12 A No, sir, I did not.  
13 Q Mr. Frazier, I am going to show you what I  
14 have marked for the purpose of  
15 identification as State Exhibit 38, and  
16 ask you to view this and see whether or  
17 not you have seen the item held by this  
18 man in the picture before, or a similar  
19 item at any time?  
20 A I won't say I saw this, the one he is holding,  
21 but I have seen one of a similar type,  
22 yes.  
23 Q Where did you see the one of a similar type?  
24 A It was the type of package that was lying on  
25 the back seat of the car you questioned

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Reference copy, JFK Collection: HSCA (RG 233)

1 me about earlier.

2 Q Did you see Oswald carrying this type --

3 MR. DYMOND:

4 Objection, he is leading the witness.

5 THE COURT:

6 Rephrase your question.

7 BY MR. ALCOCK:

8 Q Did you ever see Oswald carrying the package

9 in the back of the car?

10 MR. DYMOND:

11 We object, this is repetitious.

12 THE COURT:

13 I will permit the question.

14 BY MR. ALCOCK:

15 Q Did you ever see Oswald carrying the package

16 that was in the back of the car?

17 A Like I said previously, he took a package out

18 of the back seat on November 22.

19 Q What was the color of this package, if you can

20 recall?

21 A The color was similar to a type of paper sack

22 that you would obtain from a grocery

23 store, the color was primarily the same.

24 Q Can you approximate for us the width of this

25 package?

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Reference copy, JFK Collection: HSCA (RG 233)

1 A I would say it was around 5 or 6 inches in  
2 width.  
3 Q Mr. Frazier, approximately how far were you  
4 from Lee Harvey Oswald as he entered the  
5 Book Depository that morning?  
6 A I would say around 50 feet.  
7 Q Were you ever closer to him than that on your  
8 walk from the car to the Book Depository?  
9 A The only other time was when I first got out of  
10 the car and he started walking off ahead  
11 of me.  
12 MR. ALCOCK:  
13 I tender the witness.  
14 THE COURT:  
15 Will you and Mr. Dymond step up here a  
16 second? It is 16 minutes after 6:00.  
17 The examination on Direct was  
18 approximately 45 or 46 minutes. I  
19 don't want to put any pressure on  
20 any side, the Defense or the State.  
21 This gentleman wants to go back to  
22 Texas tonight.  
23 Mr. Frazier, you are ordered by  
24 The Court not to discuss your  
25 testimony with any other witness

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Reference copy, JFK Collection: HSCA (RG 233)

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whether they have been called or not,  
you are under oath, but I am not  
stopping you discussing your testimony  
with the State, represented by the  
District Attorney's Office. You will  
have to remain overnight in  
New Orleans.

MR. ALCOCK:

Can I introduce into evidence that which  
has been marked as S-38 for the  
purposes of identification?

MR. DYMOND:

To which we object. There is nothing but  
testimony that it is similar and  
there is nothing characteristic at  
all.

MR. ALCOCK:

The weight is up to the Jury.

THE COURT:

I will admit your exhibit as being  
similar.

MR. DYMOND:

To which ruling we object and reserve a  
bill of exception, making Exhibit  
S-38, the State's offering, the

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Reference copy, JFK Collection: HSCA (RG 231)

1 Defense objection, the reasons for  
2 the objection, the ruling of The Court  
3 and all testimony up to that point  
4 part of the bill.

5 THE COURT:

6 Mr. Frazier is excused from the witness  
7 stand. I ask you to leave and come  
8 back tomorrow morning at 9:00 a.m.  
9 (WITNESS EXCUSED.)

10 MR. OSER:

11 The State wishes to introduce and file  
12 into evidence that which has been  
13 marked for identification as S-34,  
14 the aerial photograph taken of  
15 Dealey Plaza. The State also wishes  
16 to offer into evidence S-35, the  
17 plat drawn by Mr. West, and S-36,  
18 the markup of this area of Dealey  
19 Plaza.

20 MR. DYMOND:

21 To all of which offerings we object on  
22 the ground of relevancy, and  
23 additionally with regard to S-35 we  
24 object on the ground it contains  
25 matter which is hearsay, not being

36

Reference copy, JFK Collection: HSCA (RG 233)

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1 the product of mind or memory of the  
2 author.

3 THE COURT:

4 I will do this with respect to the hearsay  
5 on that; before it is examined, if  
6 it is examined by the Jury, I will  
7 admit it subject to those portions  
8 of the exhibit which do contain  
9 hearsay, and we will have to put  
10 something over it and cover it up.  
11 Let me hear your objections as to the  
12 others before I rule.

13 MR. DYMOND:

14 Irrelevant to the issues in this case.  
15 They are not competent evidence and  
16 we are basing the objection further  
17 on Your Honor's previous rulings,  
18 that the happenings in Dallas, Texas  
19 have nothing to do with this case.

20 THE COURT:

21 I overrule your objection. All three  
22 exhibits can be received in evidence.  
23 In particular, with regard to the  
24 plat, can you tell me what parts are  
25 hearsay?



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Reference copy, JFK Collection: BSCA (RG 233)

1 MR. DYMOND:

2 I would not tell you in front of the Jury.

3 THE COURT:

4 We will have to examine it, and before we  
5 begin tomorrow we will have to paste  
6 over and put out of view anything  
7 that is hearsay. Other than that I  
8 will admit it.

9 (WHEREUPON, State Exhibits 34, 35  
10 and 35, having been previously  
11 identified, were received into  
12 evidence.)

13 MR. DYMOND:

14 To which ruling we reserve a bill of  
15 exception making the exhibits  
16 State-34, -35 and -36, the Defense  
17 objection to them, together with  
18 the reasons for the objection, the  
19 ruling of The Court and all testimony  
20 up to this time part of the bill.

21 THE COURT:

22 After the Jury has gone I will ask some  
23 of the Sheriffs to remain behind.  
24 I will let the spectators leave and  
25 I will permit the photographers to

38

Reference copy, JFK Collection: HSCA (RG 233)

39

1 come in and take pictures of these  
2 three exhibits. I don't want any  
3 spectators to be shown in the  
4 pictures at all. Have the spectators  
5 leave.

6 A MEMBER OF THE JURY:

7 Your Honor, could we have a few seconds  
8 to view 34 and 36?

9 THE COURT:

10 You want a few seconds to view 34 and 36?

11 A MEMBER OF THE JURY:

12 Yes, sir.

13 THE COURT:

14 I see no objection. If you want to leave  
15 the jury box you can walk over there  
16 if you want to.

17 A MEMBER OF THE JURY:

18 As we are passing by we can look at it.

19 THE COURT:

20 Let me make my admonishment. When they  
21 leave they may want to stop and look  
22 at the markup and exhibit. Do not  
23 discuss the case with each other or  
24 anyone else until it is finally  
25 turned over to you for your verdict.

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Reference copy, JFK Collection: HSCA (RG 233)

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25

For the record, I am telling  
the Minute Clerk to turn over  
Exhibit S-37 to Mr. Landry, the  
Property Clerk, to lock it up in his  
vault.

Mr. Shaw, you are released  
under the same bond until 9:00  
o'clock tomorrow.

This Court will stand adjourned,  
but I will be here to make sure the  
picture-taking is done properly.

We stand adjourned until 9:00  
o'clock in the morning.

(Whereupon, at the hour of 6:25 o'clock  
p.m. the court was adjourned, to be  
resumed at 9:00 o'clock a.m., February 14,  
1969.)

JFK ASSASSINATION SYSTEM

IDENTIFICATION FORM

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STATE OF LOUISIANA VS. CLAY L. SHAW

FRAZIER, BUELL NESLEY

SHANEYFELT, LYNDAL

BAND, WILMA IRENE

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## CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

. . . . .  
STATE OF LOUISIANA

198-059

VERSUS

1426(30)

CLAY L. SHAW  
. . . . .

SECTION "C"

PROCEEDINGS IN OPEN COURT,  
FEBRUARY 14, 1969PAUL WILLIAMS, REPORTERB E F O R E : THE HONORABLE EDWARD A. HAGGERTY, JR.,  
JUDGE, SECTION "C"Dietrich & Pickett, Inc.  
*Stenotypists*333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130-522-3111

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>
Buell Wesley Frazier		2
Lyndal Shaneyfelt	12	56
	78	79
Wilma Irene Bond	84	

1 . . . . Pursuant to the adjournment, the  
2 proceedings herein were resumed at 9:10 o'clock  
3 a.m. on Friday, February 14, 1969, appearances  
4 being the same as heretofore noted in the  
5 record . . . .

6 THE COURT:

7 I trust that you gentlemen had a restful  
8 night.

9 Is the State and Defense ready to pro-  
10 ceed?

11 MR. ALCOCK:

12 Yes, Your Honor.

13 MR. DYMOND:

14 Yes, we are.

15 THE COURT:

16 I remind you, Mr. Frazier, the oath you  
17 took yesterday is still binding.

18 BUELL WESLEY FRAZIER

19 having been sworn and having testified previously,  
20 resumed the stand for the purpose of

21 CROSS-EXAMINATION

22 BY MR. DYMOND:

23 Q You went to work for the Texas School Book

24 A Depository around the middle of September,

25 1963, is that right, sir?

*See separate  
Volume for  
DIRECT  
on  
magi*

- 1 A Well, as I remember I went to work at the Texas 3  
2 School Book Depository around the first  
3 part of September, somewhere between the  
4 first and the fifteenth, I don't remember  
5 precisely what day.
- 6 Q Approximately how long had you been working  
7 there when Lee Oswald went to work there?
- 8 A Oh, I would say roughly around four or five  
9 weeks.
- 10 Q Four or five weeks. Now, this Texas School  
11 Book Depository, do they have only one  
12 warehouse or is there more than one?
- 13 A They have two.
- 14 Q They have two?
- 15 A Yes, sir.
- 16 Q Where is the other one located, the one other  
17 than the one that you and Oswald were in?
- 18 A It is located down by the parking lot, right  
19 adjacent to the parking lot. It is locat-  
20 ed down across from the parking lot where  
21 the employees park their cars.
- 22 Q In city blocks, about how many blocks away  
23 would you say?
- 24 A I would say around two and one-half, three  
25 blocks.



1 Q Two and one-half, three blocks?

2 A Yes.

3 Q When you went to work there, at Texas School  
4 Book, did you have any choice as to which  
5 warehouse you would be assigned to or was  
6 that just up to the person hiring you?

7 A No, sir, I did not. That was just up to Mr.  
8 Truly.

9 Q Now, the other warehouse that you are talking  
10 about. Did that front on Elm Street, too?

11 A Would you repeat that please.

12 Q The other School Book Depository, the one that  
13 you and Oswald were not assigned to, did  
14 that also front on Elm Street?

15 A No, sir, it did not.

16 Q It did not?

17 A No, sir.

18 Q Now, about how long were you a co-worker with  
19 Lee Oswald?

20 A Oh, I would say that he went to work there  
21 somewhere around the middle of October  
22 and I worked with him daily there until,  
23 you know, prior to the assassination.

24 Q It would be about a month and a week, roughly,  
25 is that it?

1 A Well - -

2 Q A little over a month?

3 A Well, roughly, around a month.

4 Q Now, did you see Lee Oswald every working day  
5 during that period?

6 A You mean from the time that he first ---, he  
7 went to work until the time of the  
8 assassination?

9 Q Yes?

10 A I saw him on every work day, yes.

11 Q Did you ever see him wear a beard?

12 A No, sir, I didn't.

13 Q Would you say that he was clean-shaven or did  
14 he let his beard grow several days at a  
15 time?

16 A Well, he was, like I stated yesterday, he was  
17 light-haired and naturally a light-haired  
18 person a beard does not show up as well  
19 as a dark person and to be frank with you  
20 I never did notice whether he was shaven,  
21 clean-cut every day or not, because, like  
22 I stated previously, when someone works  
23 around there every day, you don't exactly  
24 give him a once-over the first thing every  
25 morning.

1 Q Let me ask you to go back and try to remember  
2 and tell me whether you ever remember  
3 noticing whiskers on Lee Oswald?

4 A You mean like ---

5 Q Have you ever looked at him and thought to  
6 yourself, "Gee, this guy needs a shave"?

7 A No, not that I remember.

8 Q Now, you have testified that you all customar-  
9 ily wore regular work clothes to your job,  
10 is that right?

11 A Yes.

12 Q And you would take your coat off when you got  
13 there and many times Lee Oswald worked  
14 in a T-shirt, is that correct, is that  
15 right?

16 A Well, like I stated yesterday, well, he worked  
17 in regular clothes, just like anybody else.  
18 Now, some of the fellows, they wore, you  
19 know, T-shirts, a short type of sweat  
20 shirt, but whether he wore one of these  
21 every day or not I could not say but I  
22 did not pay that much attention to his  
23 clothes, all I know is that he had regu-  
24 lar work clothes on.

25 Q These were work clothes because you did not

1 want to tear up or soil good clothes  
2 around that job, is that correct?

3 A Yes.

4 Q Did you ever see Lee Oswald come to work with  
5 dirty clothes on?

6 A No, sir, not that I can remember.

7 Q Would you say that he was a neat person from  
8 what you knew of him?

9 A Well, like I stated yesterday and previously,  
10 his general appearance, now, what I said  
11 about --- I was asked the question about  
12 his hair, like I said, sometimes his  
13 hair, if he would be working, maybe, you  
14 know, he would hit his head or something  
15 and kind of mess his hair up, he did not  
16 stop right there and comb it like some  
17 people do.

18 Q I think the way you put it, he was not a pretty  
19 boy or a primp. Isn't that right?

20 A Yes.

21 Q But, when he came to work in the morning, did  
22 you ever see him come to work in the  
23 morning looking dirty?

24 A No, sir, not that I can remember.

25 Q Did you ever see him come to work in the morn-

1 ing looking anything but neat?

2 A No, not that I can remember.

3 Q - Mr. Frazier, you know what I am referring to  
4 when I refer to a "beatnik" type, don't  
5 you?

6 A Yes.

7 Q Have you ever seen Lee Oswald in the time that  
8 you knew him when he looked like a beatnik  
9 type?

10 A You mean like the sloppy dress and the beard  
11 and so forth, like that?

12 Q That's right.

13 A No, not that I can remember.

14 Q Now, Mr. Frazier, when did you first hear that  
15 President Kennedy was to visit Dallas?

16 A Would you repeat that again?

17 Q When did you first learn that President Kennedy  
18 was to visit Dallas?

19 A Like I said yesterday, previously, oh, a couple  
20 of days before he was due to come through  
21 there and make a personal appearance there,  
22 as far as the motorcade and so forth, I  
23 saw it in the newspapers, it was announced  
24 and they announced the possible route.

25 Q Now, when that happened, that is when you

1           learned about it through the newspapers,  
2           how long had Lee Oswald been working at the  
3           Texas Book Depository?

4   A       Like I said yesterday, he went to work there  
5           around the -- somewhere around the middle  
6           of October, and that would be somewhere  
7           around a month he worked there, around a  
8           month.

9   Q       Did you ever at any time see Lee Oswald with a  
10          gun, Mr. Frazier?

11   A       No, sir, I did not.

12   Q       Mr. Frazier, were you personally acquainted  
13          with Lee Oswald's wife, Marina Oswald?

14   A       No, sir, I was not personally acquainted with  
15          her, No.

16   Q       Had you ever met Mrs. Ruth Paine?

17   A       You mean like for instance --

18   Q       Before the assassination?

19   A       No, I never really had a personal acquaintance  
20          or anything with her. No.

21   Q       Do you know whether Lee Oswald's wife, Marina,  
22          was living with Mrs. Ruth Paine there in  
23          Irving, Texas?

24   A       You mean prior to the assassination?

25   Q       Prior to the assassination, right.

1 A Yes, she was living there, and I learned that 10  
2 through my sister, like I stated yester-  
3 day, some of the women in the neighborhood,  
4 they would get together in the afternoon  
5 for coffee and so forth and like that --  
6 MR. ALCOCK:  
7 I object to any hearsay, Your Honor.  
8 MR. DYMOND:  
9 Don't say what anybody told you.  
10 THE COURT:  
11 He learned this from some source and he  
12 knew it.  
13 THE WITNESS:  
14 That is right.  
15 BY MR. DYMOND:  
16 Q Do you know whether Lee Oswald had any children  
17 living there in Irving, Texas, with his  
18 wife?  
19 A He had one child.  
20 Q One child. Do you know whether his wife was  
21 pregnant nor not, or did she appear preg-  
22 nant?  
23 A She was expecting a child at that time.  
24 Q I see. Now did Lee Oswald ever tell you what  
25 was in that package that he carried with

1 him in your automobile to the Texas School  
2 Book Depository?

3 A Well, that morning when he got into the car and  
4 I glanced over my shoulder and I saw a  
5 package on the back seat, I ask him, I  
6 said "What is the package?" and he replied  
7 "Curtain rods that I told you about yester-  
8 day," and I said "Oh, yes," and that is  
9 all that was said about the package.

10 MR. DYMOND:

11 That's all, sir.

12 MR. ALCOCK:

13 No further questions.

14 I asked him to be excused so that he can  
15 return to Dallas, Your Honor.

16 THE COURT:

17 You are excused from your subpoena, you  
18 may return.

19 MR. OSER:

20 Two of the Assistant United States Attor-  
21 neys requested permission to sit in  
22 the court room while Mr. Shaneyfelt  
23 testifies from the FBI.

24 MR. DYMOND:

25 No objection.



LYNDAL L. SHANEYFELT

12

having been first duly sworn by the Minute Clerk,  
was examined and testified as follows:

DIRECT EXAMINATION

BY MR. OSER:

A Would you state your full name for the record,  
please.

A My name is Lyndal L. Shaneyfelt, L-y-n-d-a-l,  
middle initial L, S-h-a-n-e-y-f-e-l-t.

Q Where do you reside, Mr. Shaneyfelt?

A I reside at 6125 Vernon Terrace, Alexandria,  
Virginia.

Q By whom are you employed?

A As a Special Agent for the Federal Bureau of  
Investigation.

Q How long have you been a member of the Federal  
Bureau of Investigation?

A I have been employed by them since 1940,  
December of 1940, I have been a Special  
Agent since 1951.

Q What are your present duties as a Special  
Agent for the Federal Bureau of Investiga-  
tion at this time?

A I am assigned as a Document Examiner and  
Photographic Specialist in the FBI Lab-

1 oratory.

2 Q During the year 1963, what were your duties  
3 with the FBI?

4 A The same, as a Document Examiner and Photo-  
5 graphic Specialist.

6 MR. OSER:

7 If the Court please, the State is going  
8 to attempt to qualify Agent Shaney-  
9 felt as an expert in the field of  
10 Photography and a Photographic  
11 Specialist with the FBI.

12 THE COURT:

13 Proceed.

14 BY MR. OSER:

15 Q Can you describe for the Jury and for the  
16 Court what your duties consist of as  
17 a Photographic Specialist for the Bureau?

18 A Yes, I assist in the training of our agents  
19 in photographic matters, I have worked  
20 in photogtaphic work in the FBI almost  
21 entirely since I have been there, in  
22 early years as a photographer and as a  
23 Special Agent Document Examiner, and I  
24 handled photographic assignments. I was  
25 a newspaper photographer before entering

1 the FBI in 1940 for approximately three  
2 years. My present duties in the labora-  
3 tory for the past several years have been  
4 the examination of photographic evidence  
5 submitted by local law enforcement agencies  
6 as well as our own officers and an example  
7 would be the comparison of film recovered  
8 from a victim of a theft of his camera  
9 with the camera recovered perhaps in a  
10 pawn shop or from a suspect, to identify  
11 that film as having been exposed in that  
12 camera, that is a photograph to determine  
13 whether or not they are composites or  
14 fraudulent or fake photographs, things of  
15 that type.

16 Q Mr. Shaneyfelt, during a one-year period  
17 approximately how many photographic  
18 examinations would you make, approximately?

19 A Oh, I would have to guess, I would guess in  
20 the neighborhood of seventy-five to  
21 one hundred.

22 Q And you have been in the photographic field  
23 for some thirty-odd years, is that correct?

24 A Yes.

25 Q Have you ever been called upon to testify and

1 be qualified as an expert in the field  
2 of photography before any Commission or  
3 Board, such as maybe the Federal Trade  
4 Commission, or things of this type?

5 A Yes, I have testified before the Federal Trade  
6 Commission, the Immigration and Naturaliza-  
7 tion Service hearings, as well as Federal  
8 and District Courts, local courts.

9 MR. OSER:

10 I tender him on the point.

11 MR. DYMOND:

12 No questions.

13 THE COURT:

14 Is it permitted?

15 MR. OSER:

16 Yes, Your Honor.

17 THE COURT:

18 Now the Court will rule that the witness  
19 has qualified as an expert in the  
20 field of photography and can give  
21 his opinion with respect thereto.

22 BY MR. OSER:

23 Q In the course of your employment as a Special  
24 Agent with the FBI, did you have occasion  
25 to assist in the investigation of the

assassination of President John F. Kennedy?

16

A Yes, I did.

Q Are you familiar, sir, with the location  
commonly known as Dealey Plaza, Dallas,  
Texas?

A Yes, I am.

Q Mr. Shaneyfelt, I direct your attention to  
"State Exhibit No. 34," and ask if you  
can identify what is depicted in this  
photograph, sir. You may step down, if  
you wish.

A Yes, I would recognize that as Dealey Plaza,  
an aerial photograph of Dealey Plaza.

Q I direct your attention to "State Exhibit No.  
36," a model mock-up, and ask if you are  
familiar with what is depicted in this  
exhibit. You may step down.

A Yes, I recognize it as a generally, generally  
a mock-up or model of Dealey Plaza. There  
are some areas of it that I don't feel  
represent it exactly, but it is generally  
a mock-up.

Q It is not to scale, sir?

A No.

Q I now direct your attention to "State Exhibit

1           No. 35;" a large plaque over here, and I  
2           ask if you can identify what is depicted  
3           on this particular plaque. You may step  
4           down, sir.

5           THE COURT:

6           I notice that you haven't blotted out  
7           that hearsay that Mr. Dymond ob-  
8           jected to.

9           MR. OSER:

10          I think we will handle that matter with  
11          this particular witness. I spoke  
12          to Mr. Dymond.

13          THE WITNESS:

14          Yes, I recognize the plaque.

15          BY MR. OSER:

16          Q       Would that plaque purport to be a certain por-  
17                  tion of Dealey Plaza, Dallas, Texas?

18          A       Yes.

19          Q       Mr. Shaneyfelt, during your investigation, did  
20                  you have occasion to examine various  
21                  photographic matter that was taken  
22                  allegedly at the time of the assassination  
23                  in Dealey Plaza?

24          A       Yes, I did.

25          Q       I am going to show you and ask you to review

1           this film and tell the Court and the  
2           gentlemen of the Jury whether or not you  
3           are familiar with the contents of this  
4           particular film, as to whether or not you  
5           have seen it before and as to whether or  
6           not you used any portion or contents there-  
7           of in your investigation.

8           MR. DYMOND:

9           At this point, if the Court please, we  
10           have an objection which we feel  
11           should properly be made out of the  
12           presence of the Jury.

13          THE COURT:

14           Out of the presence of the Jury?

15          MR. DYMOND:

16           Yes..

17          THE COURT:

18           Take the Jury upstairs, please.

19          (Whereupon the Jury was removed).

20          MR. DYMOND:

21           If the Court please, at this time we  
22           object to a re-showing of the  
23           Zapruder film in the presence  
24           of the Jury. They have seen  
25           it three times already, once

1 in regular motion, once in slow  
2 motion, and once frame by frame.

3 I feel there is no reasonable, there  
4 is no reason for re-showing this  
5 bit of State's Evidence. We feel  
6 that this expert witness is undoubt-  
7 edly familiar with the Zapruder film,  
8 has worked with the Zapruder film,  
9 and if asked whether he has worked  
10 with it, will know what is meant by  
11 the Zapruder film. I think he can  
12 testify to that but we object in  
13 the presence of the Jury to the  
14 showing of the film because it is  
15 repetitious.

16 MR. OSER:

17 This is a State's Exhibit which has been  
18 introduced into evidence. I think  
19 the State has a right to show this  
20 film as it sees fit in the proof of  
21 its case and certainly in connection  
22 with the testimony of Mr. Shaneyfelt,  
23 It will be tied up as to how important  
24 it is in Mr. Shaneyfelt's work at  
25 the time of his investigation.



1 THE COURT:

20

2 The Court cannot direct the State to not  
3 prove its case, if he needs the  
4 exhibit in connection with his case,  
5 I don't see how the State cannot  
6 show the exhibit because it may or  
7 may not be necessary. Perhaps Mr.  
8 Shaneyfelt will have to see it to  
9 know whether it is the film he is  
10 familiar with.

11 MR. DYMOND:

12 I think the witness does know what is  
13 on the Zapruder film.

14 THE COURT:

15 How does he know?

16 MR. DYMOND:

17 It has been identified as such, you can  
18 show it to him out of the presence  
19 of the Jury and let him see whether  
20 it is.

21 THE COURT:

22 I can't control the way that the State  
23 will try to prove its case.

24 MR. DYMOND:

25 You can control what may be accentuated

1 to the Jury, if the Court please,  
2 that every time you show the Jury  
3 the film, that is accentuating a  
4 particular piece of evidence and that  
5 is what we are objecting to. You have  
6 shown it three times already.

7 THE COURT:

8 I can't tell the State how to prove its  
9 case and you know I can't. I over-  
10 rule your objection. If he thinks  
11 it's necessary to show it to the  
12 witness, I will permit him to show  
13 it to the witness and apparently  
14 he does, as his statement indicates,  
15 he feels it is necessary. I will  
16 overrule your motion.

17 MR. DYMOND:

18 I think it is up to Your Honor to deter-  
19 mine if that is necessary to do that  
20 before the Jury or out of the  
21 presence of the Jury.

22 THE COURT:

23 Is it your purpose first to Mr. Shaneyfelt  
24 show the film to see if he recognizes it  
25 and then after the Jury comes back,

1 to show it again like we did with  
2 Mr. Zapruder?

3 MR. OSER:

4 That is correct, Your Honor, and to use  
5 certain portions of the particular  
6 film. Mr. Shaneyfelt is the one  
7 that did the reconstruction, he can  
8 testify as to the hearsay matter  
9 that was on here before.

10 THE COURT:

11 Let's work it first like we did yesterday  
12 with Mr. Zapruder, show the film to  
13 the witness so he can first identify  
14 that is the film, and when the Jury  
15 comes back, you can show it again  
16 and let him testify. We have a  
17 Sheriff on the lights.

18 MR. DYMOND:

19 We would also like to make an objection  
20 on the grounds of relevancy as we  
21 did yesterday.

22 THE COURT:

23 I ruled on that yesterday.

24 (Whereupon, the film was run.)

25 THE COURT:

Do you wish to question the witness out  
of the presence of the Jury?

MR. OSER:

Yes, a couple of questions, Your Honor.

BY MR. OSER:

Q Mr. Shaneyfelt, after having reviewed this  
film, can you tell us whether or not  
you had occasion to view a film contain-  
ing the same scenes as you saw this  
morning during our investigation?

A Yes, this appears to be the same sequence of  
events.

Q Can you tell us whether or not any particular  
things are missing out of this particular  
film from your --

A I cannot tell that from viewing it on the  
screen. I would have to count the frames  
and study the film more thoroughly.

MR. OSER:

That's all.

THE COURT:

Bring the Jury back in.

(Whereupon, the Jury was brought in.)

MR. DYMOND:

What is the exhibit number on that film?

1 MR. OSER:

2 Thirty-seven.

3 MR. DYMOND:

4 At this time we object to the repetitious  
5 showing of the "State Exhibit 37,"  
6 known as the Zapruder film, on the  
7 grounds, first, it is irrelevant to  
8 the proceedings, secondly on the  
9 grounds that the Court has repeatedly  
10 ruled during the last approximately  
11 two years of these proceedings that  
12 the incidents in Dallas had no con-  
13 nection between this case and those  
14 incidents, and thirdly that on the  
15 voir dire in this case, Your Honor  
16 ruled that we could not question  
17 prospective jurors as to any fixed  
18 opinions, as to incidents in Dallas.

19 THE COURT:

20 I overrule the objection.

21 MR. DYMOND:

22 To which ruling Counsel reserves a bill  
23 of exception, making all showings  
24 of "State Exhibit S-37," the testi-  
25 mony of this witness, the Defense

Reference copy, JFK Collection: HSCA (RG 233)

objection, the Court's ruling, and  
the entire record up until this  
time, parts of the bill, also includ-  
ing "Exhibit S-37."

BY MR. OSER:

Q Mr. Shaneyfelt, we ask you to review this  
particular film and tell us whether or  
not you had occasion to use what is  
depicted in this film during your  
investigation of the assassination of  
President Kennedy, if you would.

(Whereupon, the film was shown.)

BY MR. OSER:

Q From having viewed the particular film, can  
you tell the Court and the Gentlemen of  
the Jury whether or not you had occasion  
to view a film depicting the same scenes  
in your investigation?

A Yes, this appears to be the same sequence of  
events as the film that I worked with in  
my investigation.

Q Can you tell us whether or not the Bureau  
also had a ballistics expert working  
along with you in your investigation?

A Yes, they did.

1 Q Who is that, sir?

2 A Mr. Robert Frazier.

3 Q Was anyone particularly in charge of the  
4 investigation or were the duties split  
5 up between you and Mr. Frazier on the  
6 photographs and the ballistics work?

7 A The members of the Warren Commission were in  
8 charge of the re-enactment investigation.  
9 Mr. Frazier and I had specific duties  
10 relative to what we did for the Commission.

11 Q In other words, am I correct in stating you  
12 did the basic -- you did basically the  
13 photographic work and Mr. Frazier did  
14 the ballistics work?

15 A Yes.

16 Q In conjunction with each other?

17 A That's right.

18 Q Can you tell us what type of film this is,  
19 Mr. Shaneyfelt, what millimeter?

20 A Eight millimeter.

21 Q Will you define for us what is meant by frames  
22 in an eight millimeter film in the field  
23 of photography?

24 A Yes. Motion picture films are made up of a  
25 series of still pictures taken in rela-

1                   tively rapid sequence. In each one,  
2                   each picture on the film is a separate  
3                   still picture and is considered as a  
4                   frame or one frame of the motion picture  
5                   is one still picture, and these are  
6                   recorded by the camera in rapid sequence  
7                   in such a way as when they are projected  
8                   at their proper speed, you get the  
9                   sensation of a constant picture, the eye  
10                  does not see each individual picture being  
11                  flashed on the screen but sees instead  
12                  photographs of a moving subject.

13       Q        I show you what the State has marked for  
14                  purposes of identification "S-33," and  
15                  I ask you to view this photograph, tell  
16                  me whether or not you had an occasion to  
17                  use what is represented in this photograph  
18                  during your investigation, sir.

19       A        Yes, I recognize this as a photograph that I  
20                  examined.

21       Q        Mr. Shaneyfelt, during your investigation,  
22                  did you have occasion to make any re-  
23                  prints or prints from the film that you  
24                  viewed and that you recognized this  
25                  morning in court, any black and white



photographs or color photographs?

A Yes, I made a set of black and white prints of a number of selected frames of the Zapruder film that I examined.

Q In using this particular film that you have identified this morning as having seen before, did you have any occasion to number the frames in that film which you used, sir?

A Yes, I did.

Q How did you go about that, Mr. Shaneyfelt?

A In order to be able to relate the various frames to each other and to keep track of specific frames, I numbered them beginning with No. 1 at the first frame on the motion picture film that I examined that shows any part of the Presidential parade, or the first time he comes into view, well, the first part of the film were personal pictures, pictures of a personal nature, and I disregarded those and went down the film, the motorcycles first came into view on the motion picture film, the first frame of that I numbered it No. 1 and I numbered the

frames consecutively through to the  
end of where you last see the Presidential  
limousine go out of sight.

Q How many frames did this film contain, sir?

You may refer to your notes.

A I doubt that I have that figure in my notes.

I would have to estimate that it went  
into the late three hundreds or early  
four hundred frames, I don't believe it  
is in my notes.

Q So somewhere around four hundred frames that

-- would that be a safe estimate?

A That would be a safe estimate.

Q Now, pursuant to your investigation, did you

have occasion to go to Dealey Plaza in  
Dallas, Texas, and conduct any type of  
examination of this area?

A Yes, I did.

Q When did you go there, sir?

A On May 24, 1964.

Q Did Mr. Robert A. Frazier, a ballistics man

from the FBI, accompany you?

A Yes.

Q Basically, can you first tell us what you

did in Dealey Plaza that particular time,

1           sir, what was your purpose in going  
2           there?

3       A     The purpose in going to Dealey Plaza was to  
4           re-enact, using a car, and individuals  
5           of the approximate size of the President  
6           and Governor Connally, to reposition the  
7           car as it is shown in the Zapruder film  
8           and other photographs, in order to  
9           establish if possible the direction of  
10          the shots, the sequence of the shots, the  
11          timing between shots, if possible, the  
12          location of the car at the time a parti-  
13          cular shot was fired, in an effort to  
14          obtain any information that would assist  
15          the Warren Commission in reaching a con-  
16          clusion in their investigation. That was  
17          in general what the purpose was.

18       Q     From your examination of the Zapruder film  
19           and the work you did at Dealey Plaza,  
20           were you able to ascertain the average  
21           speed of the Presidential limousine,  
22           the President's limousine, while it was  
23           on Elm Street?

24       A     Yes. The average speed was ascertained in  
25           one specific --

MR. DYMOND:

31

We object unless this witness ascertained  
the speed of it.

BY MR. OSER:

Q - Did you examine the Zapruder film and ascertain  
the average speed of the President's  
limousine on Elm Street yourself, sir?

A Yes, I did, yes.

Q How did you go about this, sir, what was the  
result of your examination?

A This complete finding was based on a deter-  
mination first of the average speed of  
the Zapruder camera, and a determination  
of the speed with which the sequence of  
events took place based on the speed of  
the camera, then during the re-enactment,  
measurements were made on Elm Street from  
the specific frame numbers, once they  
were ascertained, and I took the frame,  
the frames from Frame 161 to Frame 313  
and determined -- it took the distance,  
computed this based on the number of  
frames involved, the speed at which the  
Zapruder camera operated, found that the  
average speed over that period as between

1 161, Frame 161 and Frame 313 was 11.2  
2 miles per hour.

3 Q What was the speed of the Zapruder camera  
4 as you found, sir, when you examined it?

5 A The average speed of the camera was 18.3 frames  
6 per second.

7 Q How did you ascertain this, sir?

8 A Using Mr. Zapruder's camera, I loaded it with  
9 film and photographed a clock that had  
10 a sweep second hand. I then, by examining  
11 the film after it was processed, under  
12 the microscope I could see when the  
13 second hand was on right up at 12:00  
14 o'clock and counted the frames until  
15 the hand got down and made a full circle,  
16 giving the number of frames per minute  
17 and breaking that down to the number of  
18 frames per second. This was done on  
19 successive rolls of film and averaged  
20 throughout the film, and motion picture  
21 cameras almost all slow down toward the  
22 end of the run when the spring, this was  
23 a spring-wind camera, and when the spring  
24 runs down, there is a tailing off. I  
25 average the speed without taking the

1 tailing off into account because of the  
2 fact that the film was taken with the  
3 film full -- with the camera fully wound.  
4 This averaged out to be 18.3.

5 Q Now, at the time that you were in Dealey  
6 Plaza in May of 1964, -- do you want me  
7 to put the -- may I put the screen down?

8 THE COURT:

9 Yes.

10 Do you wish that aerial photograph to be  
11 put up there?

12 BY MR. OSER:

13 Q During the reconstruction that you testified  
14 that you conducted, was Mr. Robert West  
15 present, the surveyor from Dallas County?

16 A Yes, he was.

17 Q Did he assist you all in this capacity as  
18 Surveyor?

19 A Yes.

20 Q During the reconstruction, Mr. Shaneyfelt,  
21 in relation to the Zapruder film, where  
22 did you all start, at what frame, sir?

23 A We started the re-enactment at a point earlier  
24 than is shown on the Zapruder film, the  
25 first frame that we designated in which

the Presidential limousine appears was

Frame 161, to the best of my recollection.

Q During your reconstruction, did you have occasion to use Frame 168?

A Yes, we did.

Q What did you do in regard to Frame 168, what type of examination and reconstruction did you all do?

A Could I step down and look at the plaque?

Q Yes.

A That is marked Frame 168.

Q How did you all mark that frame, sir, how did you arrive at that position?

A We knew the position of Mr. Zapruder, we knew the position of the Presidential limousine from the photograph as being in between the white lines of Elm Street, and with Mr. Frazier in the window, with the Presidential limousine positioned in the street on the route that was established from the film, and with Mr. Frazier, Robert A. Frazier of the Laboratory in the sixth floor window of the Book Depository building, with the rifle that was recovered from that

1 building, he viewed through the rifle  
2 and watched through the telescopic sight  
3 of the rifle as the car moved down Elm  
4 Street, when the car reached a point  
5 where the President was about to go out  
6 of sight under an elm tree that covered  
7 the street, or a tree that covered Elm  
8 Street, I am sorry, the car was stopped,  
9 asked that the car be stopped and we  
10 positioned it exactly at the point just  
11 before the President would go under the  
12 tree from where the rifle, where he was  
13 viewing with the rifle, and once the  
14 positioning of the car in that place, I  
15 then with still photographs made from  
16 Mr. Zapruder's film took a position on  
17 the abutment where Mr. Zapruder took his  
18 motion pictures, and by going through  
19 the photographs and aligning objects in  
20 the background with individuals in the  
21 car, particularly the President, deter-  
22 mining where a part of the building was  
23 directly above his head or a tree was  
24 just to the side of his head, I estab-  
25 lished through the photographs that this



1 was representative of the spot that the  
2 car was in at the time Frame 168 was in  
3 focus.

4 Q Now, Mr. Shaneyfelt, where 168 appears on that  
5 plaque, am I correct in stating that the  
6 dot next to 168 represents the position  
7 of the location of President Kennedy  
8 within the limousine at that time. Is  
9 that correct?

10 A That is correct, the limousine that we were  
11 using for the re-enactment was not the  
12 limousine that the President was riding  
13 in, and we had to make an adjustment  
14 because the stand-in was sitting ten  
15 inches higher than the President was  
16 sitting, ten inches higher from the  
17 street, so after positioning Frame 161,  
18 we moved the car forward until we could  
19 just barely see the spot on the back of  
20 the -- the approximate spot where the  
21 President was hit on the back, this  
22 appeared based on a ten-inch adjustment,  
23 so that we take into account the last  
24 clear place that the President could have  
25 been shot just before going under the

1 tree.

2 Q Now, --

3 A That was the established -- we established  
4 Frame No. 171.

5 Q Which car was used for the reconstruction?

6 A The car that we referred to as the car which  
7 was a Lincoln, yes, a Lincoln.

8 Q I show you again that which is marked as "S-33,"  
9 and ask you whether or not the car that  
10 you used during the reconstruction  
11 appears in that photograph.

12 A Yes, the car that the men are standing on  
13 the running board of.

14 Q Mr. Shaneyfelt, during the re-enactment, did  
15 you have occasion to deal with and  
16 compare around Frame 207 and 208 and 210?

17 A Oh, yes.

18 Q And what did you all do in regard to those  
19 particular frames?

20 A The Frames 207 and 208 specifically were used  
21 as the points where the Presidential  
22 limousine emerged from under the tree  
23 and the agent Frazier in the window  
24 first would get a clear shot of the  
25 stand-in for the President to see him

1 through the rifle scope, and that  
2 position was ascertained by Mr. Frazier  
3 from the window and then using the  
4 Zapruder film, I established that as  
5 being Frame 207 and Frame 208 on the  
6 Zapruder film.

7 Q What other frames did you deal with that are  
8 related on that plaque?

9 A Well, we dealt with Frame 185 and 186, and  
10 Frames 185 and 186 represent the position  
11 of the President in the limousine where  
12 Mr. Frazier in the window could see him  
13 through the rifle scope as it passed  
14 under an opening in the tree. There was  
15 an area in the tree that there were no  
16 leaves, and looking through the scope,  
17 he got a momentary look at the stand-in  
18 for the President in the limousine, indi-  
19 cating a clear shot could have been fired  
20 from there. And Frame 185 and 186 are  
21 the frames that I have determined them  
22 to be standing at the Zapruder spot and  
23 checking them with the photographs, 185  
24 being the frame and adjusted frame based  
25 on the ten-inch difference in the two cars.

1 Q Now, which frames did you all deal with  
2 after the 210 series?

3 A 208 was the last one?

4 Q Yes.

5 A Frame 222 was the next frame that -- that was,  
6 I might say, Frame 208 is the last frame  
7 that we established by having Mr. Frazier  
8 view through the rifle, all of the rest  
9 of the frames were established, beyond  
10 that point were established by other  
11 landmarks, by me when I was standing  
12 here with Zapruder was standing. The  
13 next frame was Frame 222 which represents  
14 the first frame where Governor Connally's  
15 face comes into view after the Presi-  
16 dential limousine had gone past the  
17 signboard, so they were out of view  
18 from Mr. Zapruder's camera at the frames  
19 between 207, 208, I believe the frames  
20 205 and 206 they disappeared behind the  
21 signboard, and that signboard and that  
22 signboard until Frame 222, and of course  
23 the Governor Connally, Governor Connally's  
24 face, the next frame that we have estab-  
25 lished was 225 or 223, 223 is the next

1 frame that is on here, 225 is the actual  
2 frame, the next frame we established as  
3 being the first frame of where President  
4 Kennedy emerged, we first see his face,  
5 it is listed as 225 in the chart, and  
6 the next frame we have located was Frame  
7 231, which was a frame that the Commission  
8 wanted established based on the evidence  
9 indicating --

10 Q Nothing hearsay.

11 A Well, Frame 231, 235, 240, 249, 255 were all  
12 established based on the request of the  
13 Commission. The last frame to be estab-  
14 lished was Frame 313, which is the frame  
15 of the Zapruder film where the shot hit  
16 the President, President Kennedy, in  
17 the head and it is quite obvious on the  
18 film.

19 Q Frame 313 is the one where we see the red  
20 halo, is that correct?

21 A Yes.

22 Q Now, Mr. Shaneyfelt, from your examination  
23 of the Zapruder film in this area and  
24 dealing with frames around 207 and 208,  
25 is this the area in which the President

1 disappeared behind the sign in the  
2 Zapruder film?

3 A Yes.

4 Q Is this the last time you can see him?

5 A The last time? It is not the last time you  
6 can see him because you can still see  
7 the top of his head, but it is the last  
8 time you see, well, at Frame 205 or Frame  
9 206 are the frames where you last, as I  
10 recall, the frames where you last see the  
11 face, his face, and then he disappears  
12 behind the sign, you can still see the  
13 top of his head for several frames, as  
14 I recall.

15 Q At Frame 205 and 206, can you describe for us  
16 what President Kennedy is doing as  
17 depicted in the Zapruder film?

18 A I am not sure I could do that based on my  
19 recollection without having those photo-  
20 graphs, specific frame photographs in  
21 front of me. My recollection is that as  
22 he disappeared behind the signboard, he  
23 is turned slightly to his right, his arm  
24 is up and he is waving and smiling. Now,  
25 that is still in progress, my recollection

1 is that is the last we see of the  
2 President as he goes behind the sign-  
3 board, he is still waving and smiling  
4 to the crowd and turned slightly to his  
5 right.

6 Q What is the first frame that you saw the  
7 President come from behind the sign?

8 A That is Frame 225, when we first see the  
9 President's face.

10 Q And what are the President's reactions or  
11 actions or motions at that particular  
12 time that you saw the Zapruder film?

13 A It would be frames -- I would have to relate  
14 it to Frames 225 or 226 and 227, because  
15 the first frame is a rather indefinite  
16 frame because you don't get the movements  
17 and you have to see the motions of those  
18 first frames to get the feeling of it,  
19 but I get the impression of a reaction  
20 as he is coming out from behind, he is  
21 no longer smiling and he is -- his face  
22 appears to be more tense and seems to be  
23 reacting to something.

24 Q In Frame 225, Frame 226, did you see him  
25 still waving?

1 A No.

2 Q What was he doing in regards to his hands,  
3 as you recall?

4 A Of course, Frame 225, only the face is  
5 visible, just emerged from the signboard,  
6 the shoulder is not visible, and in  
7 Frames 226 and 227 his hands are more  
8 in a position as -- he was going to --  
9 his left hand before he went behind the  
10 signboard was on his left lapel with this  
11 hand raised, and as he comes out this  
12 other hand was more over towards the right  
13 lapel or this position and in the succeed-  
14 ing frames, 226, 227, 228, he is going  
15 into -- his arms are coming up and he  
16 is going into a position with his arms  
17 raised and his hands raised towards his  
18 coat lapel or towards the center of his  
19 body.

20 Q Now, in using Frame 208, you say the last  
21 frame you could see the President before  
22 he goes behind the sign, Frame 225 and  
23 Frame 226 as he comes out from behind  
24 the sign, how many frames is that, Mr.  
25 Shaneyfelt, 208 to 225?



1 A Your question was that I said he went behind  
2 the sign at 208, I said he went behind  
3 the sign at 205 and 206, I believe.

4 Q All right.

5 A To 225?

6 Q Right.

7 A That is twenty frames.

8 Q Now, using the Zapruder camera, the pictures  
9 at an average of 18.3 frames per second,  
10 how much time elapsed during that period  
11 between 205 and 225?

12 A That would be slightly more than one second,  
13 since you have 18.3 frames per second,  
14 twenty frames would be just two frames  
15 past or about one-ninth of a second,  
16 approximately.

17 Q At Frames 225, 226 and 227, can you tell us  
18 what the reactions are, what Governor  
19 Connally was doing?

20 A Governor Connally was, when we first see  
21 Governor Connally in Frame 222, in the  
22 film, he is turned slightly to his right,  
23 as I recall, and then in succeeding  
24 frames his body is turned more straight  
25 and slightly to the left, as I recall,

I can't be too sure of that because --

45

Q After Governor Connally, as you have testified, seemed more straight, what was Governor Connally doing in succeeding frames after this?

A He falls over into his wife's lap.

Q Can you tell us at what frame this is?

A No, I can't, without reference to the exhibits or some photographs.

Q From having viewed this photographic evidence, Mr. Shaneyfelt, what is your expert opinion, sir, as to when President Kennedy was hit for the first time, between what frames?

A Well, I am not sure that my expertise is in that field, but he is waving before he goes behind the sign at 205 and 206, and that Frames 225, 226 and 227 he appears to be reacting, and it is my impression the shot would have occurred then somewhere between Frame 205, and 206, 210, up to Frame 222 or even as far as 230, I could not pinpoint it any closer than that because I haven't experience in that field.

1 Q At which time the car, the Presidential  
2 limousine was behind the sign in the  
3 Zapruder film. Is that correct?

4 A The majority of that time it is behind the  
5 sign.

6 Q And further having examined the Zapruder film,  
7 can you give us your expert opinion as  
8 to when Governor Connally was hit, and  
9 approximately what frame does it reflect?

10 A In my examination of the photographs, I found  
11 no particular frame where there is any  
12 specific reaction, and my opinion would  
13 have to be based more on his position  
14 and obviously it is before he fell into  
15 his wife's lap, but I feel that it is my  
16 opinion that he was hit about Frame 2 --  
17 well, I feel that he had been hit by  
18 Frame 231 to 232, by that time he had  
19 been hit, somewhere prior to that I feel  
20 -- my opinion is that he was hit about  
21 the same time as President Kennedy was,  
22 but there is not such a marked reaction so  
23 there is nothing in the film that can  
24 tell me at what frames he was hit, not  
25 knowing enough about human reactions, I

1 really have difficulty answering that.

2 Q In relation to Governor Connally's reaction,  
3 did you have occasion in your examination  
4 of the Zapruder film to measure the area  
5 of Governor Connally's shoulders as to  
6 whether or not there was any quick move-  
7 ment or downward movement in Governor  
8 Connally's shoulders as it appears in  
9 the Zapruder film?

10 A I found nothing of that nature during my  
11 examination of the film.

12 Q Did you measure this to ascertain it?

13 A I did not measure it.

14 Q Did you have occasion in your examination  
15 of the Zapruder frames in relation to  
16 Governor Connally to examine the facial  
17 area of Governor Connally as he appears  
18 in the Zapruder film to ascertain as to  
19 whether or not there is a sudden puffing  
20 of his cheek area?

21 A I did not measure that.

22 Q Between Frames 205 and Frame 232 of the  
23 Zapruder film, approximately how much  
24 time elapsed using the Zapruder film,  
25 the Zapruder camera on the clock, 205

and 232?

48

A That would be twenty-seven frames, approximately 1.4 seconds, between Frames 205 and Frame 232.

Q Now, in doing these frames, I think you had marked on there 207 and 208 on the plaque, is that correct?

A I believe that is right, 207 and 208.

Q Between Frames 207 and 208 of the Zapruder film and Frame 223 and 225 on the plaque, were you able, were you all able to calculate what the vertical angle was from the sixth floor of the Texas School Book Depository?

A Yes. The angle measured at Frame 207 and 208 and then 222 -- you said 227 and 228?

Q 225.

A 225, yes, all right, that vertical angle to the window of the sixth floor of the Depository building was determined.

Q And what was that angle?

A I can get it from the plaque. You asked for the average --

Q The average --

THE COURT:

1 This might be a good time for us to  
2 take a break, Sheriff.

3 Take the Jury upstairs.

4 We have hot coffee for them.

5 We will take a five-minute recess.

6 (Whereupon, a recess was taken.)

7 AFTER THE RECESS:

8 THE COURT:

9 Is the State and the Defense ready to  
10 proceed?

11 MR. DYMOND:

12 Yes, Your Honor.

13 MR. OSER:

14 Yes.

15 (Whereupon, the question was re-read by  
16 the reporter.)

17 THE WITNESS:

18 Yes, I computed the average angle from  
19 Frames 210 to -- from Frame 210 to  
20 Frame 225, and determined that  
21 average angle to be 17 degrees,  
22 43 minutes and 30 seconds. This  
23 takes into account a 3 degree, 9  
24 minute grade of Elm Street.

25 BY MR. OSER:

1 Q Now, Mr. Shaneyfelt, can you tell us whether  
2 or not you calculated the angle from the  
3 sixth floor of the Texas School Book  
4 Depository in regard to Frame 313 of the  
5 Zapruder film?

6 A Yes, I did. That angle, taking into account  
7 the street grade, is 12 degrees and 12  
8 minutes.

9 Q Now, speaking of the angle, Mr. Shaneyfelt,  
10 that you all calculated, these were the  
11 angles from the sixth floor of the Texas  
12 School Book Depository down to the very  
13 spot as indicated on this plaque. Is  
14 that correct?

15 A That is correct.

16 Q And which would be the vertical angle. Is  
17 that right, sir?

18 A Yes, this is measured on the vertical axis.

19 Q Up and down?

20 A Up and down toward the direction of the  
21 window.

22 Q Did you all calculate on any one of these  
23 positions as indicated on Elm Street  
24 the lateral angle at any time, the  
25 sideways angle, if I may call it that?

1 Did you all calculate that?

2 A From what? In other words, the angle from  
3 what to what?

4 Q From the sixth floor of the Texas School  
5 Book Depository to any one of the frames  
6 on this plaque.

7 A Well, I mean the lateral angle from what to  
8 what?

9 Q Well, from the sixth floor of the Texas School  
10 Book Depository to, say, Frame 313?

11 A Now, that is a straight line, so there is  
12 no lateral angle involved. Now, if you  
13 mean the lateral angle from the street  
14 or the curve or the centerline of the  
15 car over to that window --

16 Q From having viewed the Zapruder film, can you  
17 tell us whether or not Governor Connally  
18 and President Kennedy were in line with  
19 each other, by that I mean one in front  
20 of the other, basically?

21 A Basically, Governor Connally was sitting in  
22 the jump seat immediately in front of  
23 President Kennedy, yes.

24 Q If I may use Mr. Dymond as Governor Connally  
25 and I as President Kennedy, the sixth



1 floor of the Texas School Book Depository  
2 would be behind me and to my right. Am  
3 I correct?

4 A Right.

5 Q Did you all calculate the lateral angle from  
6 me over to the sixth floor of the Texas  
7 School Book Depository? That is the  
8 question I am asking you.

9 A I still have to have a basis upon which to  
10 calculate the lateral angle, because  
11 between, you being one point and the  
12 window being another point, it is a  
13 straight line involved, no lateral angle.

14 Q And Mr. Shaneyfelt, --

15 A Yes.

16 Q -- let's see at Frame 313, you said that

17 Governor Connally and President Kennedy  
18 were basically one in front of the other.

19 A Yes.

20 Q If you drew a perpendicular line through  
21 these two men at Frame 313 way across  
22 this chart, taking that perpendicular  
23 line, did you all then draw a horizontal  
24 line from the sixth floor down to Frame  
25 313 and calculating that angle --

1 A No, we did not.

2 Q Did you all do that at any other frames?

3 A No, we did not.

4 Q Now, you described to the Jury and the Court  
5 what type of setup or arrangement you all  
6 had with the stand-in models in the car  
7 that you all were using. In other words,  
8 am I correct in stating that you had one  
9 live model representing President Kennedy  
10 in the follow-up car. Is that correct?

11 A That is correct.

12 Q You had another live model representing  
13 Governor Connally in the follow-up car  
14 that you were using?

15 A That is correct.

16 Q Now, in regards to the gentleman that was  
17 standing in for President Kennedy, did  
18 you all do anything in relation to him  
19 with any marks on his body so you all  
20 could calculate the measurements you  
21 were calculating?

22 A Yes, the basic setup which we used, we used  
23 in the re-enactment, because that was  
24 selected, we selected a man of the  
25 approximate stature and build of Governor

1 Connally, one of our Special Agents, his  
2 height and build, and he wore Governor  
3 Connally's coat that he was wearing at  
4 the time he was shot on November 22nd.  
5 We selected another Special Agent of the  
6 approximate stature and size of President  
7 Kennedy to sit in his position or be the  
8 stand-in for President Kennedy. We  
9 placed a mark on the back of the stand-in  
10 for President Kennedy at the point of the  
11 wound on his back.

12 Q You mean the skin wound, into the body?

13 A I have no personal knowledge of how that was  
14 established, but it was my understanding  
15 that it was based on the skin wound.

16 Q All right.

17 A And we -- all of the measurements that were  
18 made, angle and distance and the calcu-  
19 lations, everything we calculated in  
20 connection with the re-enactment and  
21 distances and angles were related to  
22 that spot right there, and when the mark  
23 was placed in the street for Frame 210,  
24 that really meant the spot directly  
25 vertically above 210 at a point where

1           that mark on Kennedy's back, -- allowing  
2           again for this ten-inch difference in  
3           the seat height of the follow-up car.

4    Q   And did you also mark the stand-in or the  
5           back of the stand-in for Governor  
6           Connally?

7    A   No, we used the bullet hole in the coat of  
8           the stand-in for Governor Connally. We  
9           made essentially our measurements pri-  
10          marily from this other spot on the stand-  
11          in for President Kennedy, and none of the  
12          measurements were made based on -- none  
13          of the measurements that were on the  
14          plat or the angles to the window were  
15          based on anything of Governor Connally  
16          because we did not mark Governor Connally,  
17          we used the hole in the coat.

18   Q   Am I correct in stating that you all used the  
19          skin hole of President Kennedy and you  
20          used the bullet hole in Governor Connally's  
21          coat because the stand-in was using  
22          Governor Connally's coat. Is that  
23          correct?

24   A   That is my recollection, yes.

25   Q   Why did not you use President Kennedy's coat?

1 A I don't know that.

2 Q Why did you not use the actual location of  
3 the skin hole in Governor Connally as  
4 opposed to --

5 MR. DYMOND:

6 Objection, the State is trying to impeach  
7 its own witness.

8 MR. OSER:

9 I am asking him what they were doing,  
10 Your Honor.

11 THE COURT:

12 Rephrase your question.

13 BY MR. OSER:

14 Q I will ask you this way, sir: Did at any  
15 time you all use the skin hole of  
16 Governor Connally?

17 A Not to my knowledge, or I have no knowledge  
18 of that, no.

19 MR. OSER:

20 No further questions.

21 CROSS-EXAMINATION

22 BY MR. DYMOND:

23 Q Mr. Shaneyfelt, to the best of your recollec-  
24 tion, will you review for us the entire  
25 mechanics of this re-enactment from

1 beginning to end, and tell us everything  
2 that was done, that you personally know  
3 about throughout.

4 A Yes. We started the re-enactment quite early  
5 in the morning on Sunday, May 24, in  
6 order to avoid the traffic problem, and  
7 the re-enactment itself, in its entirety,  
8 was based on instructions from the  
9 Commission which I carried out my portion  
10 and others, other individuals carried out  
11 their portions and we worked as a team  
12 doing the re-enactment, and the re-  
13 enactment was based on the evidence  
14 available to the Commission so that these  
15 things that we did were done for the  
16 Commission at their instructions based  
17 on some reason that they had for doing  
18 it. One of the first things that we  
19 determined was the location of the car  
20 at the first point that a rifle went from  
21 the sixth floor of the School Book  
22 Depository building in the corner window  
23 would get the -- receive a mark on the  
24 back of the stand-in for the President  
25 and could have shot and fired a shot into

1 the President's back, and that point was  
2 first established.

3 Q Now, where was that on the film?

4 A That was up just as they rounded the corner,  
5 just as they came around the corner from  
6 Houston into Elm.

7 Q Would you be able to tell us at what frame  
8 that would be?

9 A Well, the Zapruder pictures do not include  
10 that, and therefore we designated it as  
11 for, or as Point A on the plaque.

12 Q Would you be able to mark that point which  
13 has been --

14 THE COURT:

15 I suggest you use an "S" instead of an  
16 "X."

17 MR. DYMOND:

18 "State 35."

19 THE COURT:

20 Mark it with an "S."

21 THE WITNESS:

22 It is already marked as "Station A" or  
23 "Point A" on this.

24 MR. DYMOND:

25 Will you mark, put a circle around that,

1 sir.

59

2 BY MR. DYMOND:

3 Q Before you go on with your account of the re-  
4 enactment, Mr. Shaneyfelt, at this time  
5 was there a man up in the sixth floor  
6 window of the Texas Book Depository with  
7 a rifle with a telescopic sight?

8 A At the time of the re-enactment, when we were  
9 there, yes, Mr. Robert A. Frazier, as I  
10 previously testified, was up in that  
11 window with the rifle, the Mannlicher-  
12 Carcano rifle, with the rifle, with the  
13 telescopic sight on it that was the actual  
14 rifle recovered in the Texas School Book  
15 Depository building.

16 Q It was the actual rifle?

17 A Yes.

18 Q Go ahead with your account of the re-enactment.

19 A The next position they asked that we ascertain  
20 and they were interested in, at what  
21 points in the Zapruder film a person  
22 in the Texas School Book Depository  
23 building could have shot and had a clear  
24 view of the President, so that we took  
25 into account the tree that was over Elm



1 Street that I previously testified about,  
2 and the next positions that we found are  
3 located based on the man in the window  
4 with the rifle, Mr. Frazier and myself  
5 with the Zapruder films established the  
6 position that would be the last point on  
7 Elm Street where President Kennedy dis-  
8 appeared under the tree. Now, I used  
9 the word "disappeared." I probably  
10 should not have because the tree, you  
11 could actually see through it, but you  
12 could actually have seen the President,  
13 and this -- his car go under the tree  
14 on Elm Street.

15 Q Would that be around Frame 185?

16 A No, I believe that was around Frame 161, 168,  
17 the adjusted numbers, then.

18 Q And let me interrupt you once more. Is that  
19 point represented on this plaque?

20 A Yes.

21 Q Would you mind stepping down and putting a  
22 circle around that point?

23 A Yes, I circled the numbers 168 and 171 on the  
24 plaque, I am not completely clear because  
25 it has been sometime ago, but it is my

1 recollection that 161 and 168 were the  
2 frame numbers when it went under, in that  
3 general area of the film.

4 - Q And that is when you could see the President  
5 through the opening in the tree?

6 A No, that is before he went under the tree the  
7 first time.

8 Q Oh, I see.

9 A And then the next position was when you could  
10 see him through a very small opening in  
11 the tree.

12 Q And what would that frame number be, if you  
13 know, sir? I hate to keep you walking  
14 up and down.

15 A That's all right, that is Frame 185 and 186,  
16 the one, the frame as it was on that car,  
17 the adjusted frame for the ten-inch  
18 difference.

19 Q Would you put a circle around there.

20 A Yes.

21 Q Thank you. Please go on with your account of  
22 the re-enactment.

23 A The next frames that we have located were  
24 the points where the President emerged  
25 from under the tree so that the man with

1 the rifle in the window got the first  
2 clear shot of President Kennedy.

3 Q And what frame number would that be, sir?

4 A That frame number on the plaque is marked as  
5 Frame 207 and 208.

6 Q Would you please circle those?

7 A The next frame that we located was the frame  
8 in the Zapruder film where the President  
9 first came into -- where Governor Connally  
10 first came into view, his face first  
11 appears from behind the signboard.

12 Q What frame number is that?

13 A That is Frame 222.

14 Q Would you circle that, please?

15 A Yes. The next frame was the frame where  
16 President Kennedy's face first came into  
17 view.

18 Q Would that be 225?

19 A That would be 225.

20 Q Would you circle that?

21 A I would like to point out on the plat map  
22 it is marked as Frame 223, that is not  
23 correct.

24 MR. DYMOND:

25 With the State's permission, we will

change it.

THE WITNESS:

225.

- BY MR. DYMOND:

Q Would you change that to 225 and circle it?

A Yes, it is listed as 225 on the chart, not 223.

Q What is the next point of reference that you have, sir?

A The next point of reference is Frame 231.

Q And what would that represent, Mr. Shaneyfelt?

A I can only say at this time -- I don't have a clear enough recollection of that, but Frame 231, Frame 238 and Frame 240 and 249 were related to -- were points that the Commission desired based on --

MR. OSER:

I object to "based on." I object to what the Commission based their request on.

THE COURT:

Just tell us what they wanted you to do.

THE WITNESS:

They asked those positions be ascertained.

BY MR. DYMOND:

1 Q For what purpose were they ascertained, if  
2 you know?

3 MR. OSER:

4 Objection, --

5 BY MR. DYMOND:

6 Q Do you know what you were looking for when  
7 you determined those spots?

8 A Yes.

9 Q What did they represent to you when you  
10 determined them?

11 A They represented positions of Governor Connally,  
12 the last position of where he could have  
13 received a shot from the Book Depository  
14 building because of his body position.

15 Q I see. All right, sir, and after that?

16 A And they are all related to that particular  
17 area.

18 Q And I take it from the next point of reference  
19 that you have there, the next is Frame  
20 313, or do you have any in between?

21 A Frame 255.

22 Q What is that?

23 A As I recall, it is a frame that they asked me  
24 to locate based on the --

25 MR. OSER:

Object, Your Honor, "based on."

65

BY MR. DYMOND:

Q For what purpose did you yourself locate that  
255, to show what?

A To show where a photograph taken by an  
Associated Press photographer had been  
made, at what point in the motorcade.

Q Would you circle 255, please. What is the  
next point of reference?

A The next point of reference is Frame 313.

Q That is the spot where President Kennedy was  
hit in the head?

A That is the frame which shows he was hit in  
the head.

Q Is there a circle on the plaque on that 313?

A No, there is not.

Q Would you please put a circle. After finding  
that point of reference, did you find  
any other points of reference?

A Not on Elm Street, no.

Q You can return to the stand. Now, Mr. Shaney-  
felt, would you tell us the mechanics of  
just how you arrived at the points of  
reference, that is, at a certain spot and  
would a signal be given to the car to

1 stop or just how was it done?

66

2 A That is correct, the first -- first the  
3 positions that were located relative to  
4 the tree, they would signal to stop the  
5 car, the signal was given by Mr. Frazier  
6 looking to the right, he was the one that  
7 determined whether or not a shot could be  
8 fired before they went under the tree or  
9 at the opening of the tree or as they  
10 cleared the tree, so he issued the order  
11 to stop the car and rolled it back or  
12 forth until he got it in a position that  
13 he felt was the last point or the first  
14 point, whatever reference he had, and  
15 after he established that point, then I,  
16 using the Zapruder photographs, individual  
17 frame pictures, compared what I saw with  
18 the set of pictures I had until I found  
19 the one that most closely matched that,  
20 and not only using the pictures, but  
21 looking through Mr. Zapruder's camera at  
22 this re-enactment, I established it was,  
23 it most closely conformed to a specific  
24 frame number, and we instructed Mr. West  
25 to mark that spot on the street.

1 Q Now, Mr. Shaneyfelt, were there any known  
2 areas of error which were not taken into  
3 account by you or when no attempt was  
4 made to compensate for?

5 A I don't understand the question.

6 Q Well, to give you as an example, you cited  
7 one known error, and that was the differ-  
8 ence in the height of the Presidential  
9 vehicle and the re-enactment vehicle.  
10 Were there any such known errors for  
11 which you did not attempt to compensate  
12 or compensated?

13 A Of course there were areas that had been --  
14 we had to rely on estimates, the exact  
15 location of the car in the street,  
16 whether it was real close to the -- was  
17 close to the white line or away from the  
18 white line, and you could see as related  
19 from where Mr. Zapruder was standing,  
20 because looking at Mr. Zapruder's film,  
21 you can see it was, it is a certain  
22 position down Elm Street, it was difficult  
23 to place it in a vertical axis away from  
24 his camera, and certain estimations had  
25 to be done, and also we had certain



1            photographs, the AP photograph gave  
2            guidelines for that, so we felt we were  
3            reasonably accurate in the placing of  
4            the car, but there was an estimation  
5            there.

6            Q     Now, in placing the car in relation to the  
7                   white line, did you place it as accurately  
8                   as you felt that you could with the  
9                   material that you had at hand?

10          A     Yes, certainly.

11          Q     Go ahead with what you were saying.

12          A     The placing of the rifle in the window, the  
13                   investigation, through investigation,  
14                   the amount of the area of the window  
15                   that was open, but it no way, we had no  
16                   way of knowing whether the rifle man  
17                   was on the left or right side of the  
18                   window or what position in the window,  
19                   that of course would have to be estimated.  
20                   When the position of Frame 313 was  
21                   located, Mr. Zapruder's photographs had  
22                   nothing in the background except plain  
23                   grass to locate that frame, so photo-  
24                   graphs of two other photographers, motion  
25                   pictures were used to assist us in

1 establishing that frame so that we had  
2 three, actually three different points  
3 to help us establish that, but it all is  
4 based on the accuracy of the interpreta-  
5 tion of the photographs which are two-  
6 dimensional and not three-dimensional.

7 Q I see. Now, Mr. Shaneyfelt, would you give  
8 us the vertical angle on Frame 313, that  
9 is, the angle between the ground and the  
10 Depository window?

11 A Yes, the angle from the street is based on  
12 the incline in the street and not on  
13 the horizontal, perfectly horizontal,  
14 the angle to the window from the spot  
15 where the shot would have entered  
16 President Kennedy, yes, or President  
17 Kennedy was sitting to the window was  
18 12 degrees and 12 minutes.

19 Q Now, was any allowance made for the lateral  
20 movement of the automobile? Reference  
21 has been made here to lateral angles.  
22 I would ask you was an allowance made  
23 for lateral movement of the automobile?

24 A No, of course the angle that we took was at  
25 a lateral angle to the axis of the car,

1 to the axis of the centerline of the  
2 street, and it went off at an angle  
3 from the car up, but it was only measured  
4 in the vertical, it was not measured in  
5 the lateral.

6 Q Did you obtain any measurement in feet on a  
7 straight line from the spot where the  
8 President was sitting in the Presidential  
9 vehicle in Frame 313 to the sixth floor  
10 window in the Book Depository?

11 A Did we make any --

12 Q Do you know how many feet it was?

13 A Oh, yes.

14 Q From point to point?

15 A Yes.

16 Q What is the figure on that, sir?

17 A I would have to refer to the map.

18 Q Would you, please.

19 A 265.3 feet line of sight from the rifle in  
20 the window to the President in Frame  
21 313, 265 feet is the line of sight  
22 distance from the rifle in the window  
23 to the President at Frame 313 down on  
24 Elm Street.

25 Q Would you please tell us what the other

1 measurements are which are reflected by  
2 that chart.

3 A The measurements on the chart are all of the  
4 measurements that Mr. West made for us  
5 at the re-enactment for each position  
6 that was established, giving the angle  
7 to the horizon and the line of sight  
8 distance from the President at a given  
9 spot to the rifle in the window, and the  
10 angle and the line of sight distance to  
11 a rifle man on the overpass in front of  
12 the Presidential limousine, and the  
13 distances from a point that we marked  
14 off as "Station C," which represented  
15 the long-distance curve of Houston, and  
16 measured to each individual point which  
17 would give us a distance that the car  
18 traveled from point to point, and that  
19 is basically it.

20 Q I ask you, sir, would you please stay there,  
21 Mr. Shaneyfelt, you did then take into  
22 consideration positions other than a  
23 position in the sixth floor Book Deposi-  
24 tory window. Is that correct?

25 A That is correct.

1 Q Now, what line of sight did you get between  
2 the spot where the President was sitting  
3 in Frame 313 in your point of reference  
4 on the triple overpass?

5 A 260.6 feet, line of sight distance from the  
6 President in Frame 313 to the handrail  
7 of the triple overpass.

8 Q Mr. Shaneyfelt, approximately how much time  
9 was consumed in this re-enactment?

10 A The portion of the re-enactment that was done  
11 on Elm Street on May 24 took, as I  
12 recall, from about 6:00 a.m. until  
13 around 1:30 p.m. This is after some  
14 initial studies and details had been  
15 established on the prior day, on the  
16 preceding Saturday some studies were  
17 made and plans worked out so that the  
18 re-enactment would not take too long  
19 and hold up traffic too long.

20 Q Was there office work performed in connection  
21 with this, in addition to the work that  
22 was actually done out on Elm Street?

23 A Well, yes, there were preparations made for  
24 it prior to going, and studies made  
25 afterwards on the basis of the results,

that type of office work.

73

Q Could you tell us approximately how many people participated in the re-enactment?

A I would have to guess, but I would guess, I would estimate around twenty to twenty-five.

Q Twenty --

A I would have to guess because there were certain -- I know how many from the Commission were there, Mr. Frazier and I were there, and I had an assistant, then there were other agents running errands, so about twenty to twenty-five would be my estimate.

Q To your knowledge, was a motion picture film made of this re-enactment?

A Yes, sir, there was.

Q Does that film have a popular name? What is it called, if you know, sir, is that the Nix film?

A Oh, no.

Q It is not?

A No.

Q Does the film have any popular name that you know of, sir?

Reference copy, JFK Collection: HSCA (RG 233)

1 A The re-enactment film?  
2 Q Yes.  
3 A No, no, the re-enactment film was made, well,  
4 - there were several films made of the re-  
5 enactment, and that was a part of the  
6 study, was to photograph the re-enactment,  
7 it was after making the position on the  
8 street, determining what the positions  
9 were, and where they were, and we then  
10 at this time, based on an estimate by  
11 the people in the limousine that the  
12 car was going about twelve miles an hour,  
13 this was before it was accurately deter-  
14 mined through motion picture film, we  
15 asked that they drive the limousine along  
16 that course at approximately twelve miles  
17 an hour with no attempt being made by  
18 the participants, the stand-ins, to try  
19 to conform to the body position, merely  
20 to drive the car through the -- in the  
21 same route at the same approximate speed,  
22 and while doing this, this was done two  
23 or three times, possibly more, I can't  
24 exactly recall the number of times, in  
25 order that we could photograph the

1 re-enactment, this re-enactment with  
2 Mr. Zapruder's camera, with Mr. Nix's  
3 camera and Mr. and Mrs. Pushmore's camera,  
4 from the positions that they had at the  
5 time the assassination took place, so  
6 that the films we made could be compared  
7 with the re-enactment photographs to be  
8 determined how accurately we established  
9 the various things, various points.

10 Q Now, let me interrupt you one moment. After  
11 doing that, did you determine whether or  
12 not you had established these points with  
13 a good degree of accuracy?

14 A Yes, they were consistent with the films that  
15 we made of the re-enactment, these I  
16 think went to the sixth floor window of  
17 the Book Depository building, mounted a  
18 16-millimeter motion picture camera on  
19 the gun that had been recovered from the  
20 -- the Mannlicher-Carcano rifle that Mr.  
21 Frazier had been using, mounted a reflex,  
22 a 16-millimeter reflex motion picture  
23 camera on it in such a way that you could  
24 view through the camera so that you could  
25 see through the camera and through the



1 lens of the camera, through the scope  
2 and photograph the motorcade or the  
3 stand-ins on the limousine we were using.

4 Q I take it then what you saw through the camera  
5 then would be the same thing that a person  
6 would see through this gun sight. Am I  
7 correct?

8 A It represented what the person saw, and we  
9 made, I think, about three different runs  
10 through this re-enactment, photographing  
11 it at that angle to show the view that  
12 the rifleman would have had.

13 Q Now, after the films of the re-enactment were  
14 made, were they developed and presented  
15 to the Warren Commission?

16 A Yes, they were.

17 (Whereupon, a recess was taken so  
18 the reporter could change his  
19 stenotype pad.)

20 BY MR. DYMOND:

21 Q Now, did you testify before the Warren  
22 Commission yourself, sir?

23 A Yes, I did.

24 Q Do you know whether or not the Zapruder film  
25 was shown to the Warren Commission,

1 that is, "State Exhibit No. 37," what  
2 has been marked --

3 MR. OSER:

4 If he was there when it was shown, that  
5 is.

6 BY MR. DYMOND:

7 Q Was the Zapruder film to your personal knowl-  
8 edge shown to the Warren Commission?

9 A You have referred to this exhibit as the  
10 Zapruder film?

11 Q No, one containing the same material this  
12 contains of which this is a copy.

13 A Yes, many times.

14 Q It was?

15 A Yes, the original was shown to us, me, other  
16 members of the Warren Commission, repre-  
17 sentatives of the Warren Commission  
18 studied it for some time, various runs  
19 through it, then the copy of the film  
20 that the FBI had was used on numerous  
21 occasions, all of which time I was  
22 present.

23 Q I see. Now, did you blow up each frame of  
24 the Zapruder film and make a still  
25 picture of it?

1 A Yes, I did.

2 Q Were those presented to the Warren Commission?

3 A Yes, they were.

4 Q Did you examine them thoroughly?

5 A Yes, I did.

6 Q Now, as a result of all of the examinations  
7 which you have made, as an expert have  
8 you found any photographic evidence to  
9 indicate that the shots which hit  
10 President Kennedy came from any direc-  
11 tion other than his right rear?

12 A I did not.

13 MR. DYMOND:

14 That's all, sir.

15 REDIRECT EXAMINATION

16 BY MR. OSER:

17 Q In referring to Frame 313, did you have  
18 occasion to measure the distance between  
19 the shoulders of President Kennedy as  
20 depicted in the Zapruder film in relation  
21 to the back of the seat at the time of  
22 Frame 313?

23 A I did not measure it, no.

24 Q Did you have occasion to measure the distance  
25 between the back of the seat and President

1 Kennedy's back as reflected in Frame  
2 312, the frame immediately prior to  
3 Frame 313?

4 A I did not measure it, no.

5 Q Did you have occasion to measure the distance  
6 between President Kennedy's back and the  
7 back of the seat at Frame 314 on through,  
8 say, Frame 330?

9 A I did not measure them, no.

10 MR. OSER:

11 That's all.

12 RECROSS-EXAMINATION

13 BY MR. DYMOND:

14 Q Mr. Shaneyfelt, you did not measure these  
15 distances between the spot where Presi-  
16 dent Kennedy's shoulders appeared on the  
17 film and the back of the seat. Did you  
18 closely observe the distances?

19 A Yes.

20 Q Did you take these distances into account in  
21 analyzing just what action was depicted  
22 by the films?

23 A Yes, all of the studies that I made of the  
24 Zapruder film, I examined and considered  
25 every position of both occupants, every

1 movement, turning and so on, everything  
2 that I could possibly find to examine,  
3 in those instances where the photograph  
4 would show a jiggle or a bump or some-  
5 thing where it could not be established  
6 with any accuracy whether it was a move-  
7 ment of the motion picture camera, a  
8 sudden jerk of the car or some other  
9 thing, that had to be ruled out because  
10 I could not in my own mind find any reason  
11 to rely on it if I can't determine  
12 definitely what caused a particular  
13 reaction, so that every motion and every  
14 frame was studied extremely closely, both  
15 in motion and as still photographs.

16 Q Mr. Shaneyfelt, the Zapruder film with which  
17 you worked, was it a complete film or  
18 were there any frames missing?

19 A The frames from which I worked was a complete  
20 film, yes.

21 Q Now, as an expert, Mr. Shaneyfelt, did you  
22 find any photographic evidence indicating  
23 to you in what direction the shots which  
24 hit President Kennedy came from?

25 A Yes.

1 Q Would you please tell us what that was.

2 A Obviously the main search of the re-enactment  
3 was to establish the shot or shots that  
4 hit President Kennedy in the back came  
5 out of his necktie and caused Governor  
6 Connally's wounds, the film just does  
7 not show, does not give an -- only by  
8 reactions which have to be estimated,  
9 but in Frame 313 the shot is in the still  
10 photograph of that particular frame, the  
11 shot is an explosion of his head, and in  
12 looking at the photograph, the fragment  
13 that you see streaking through the air  
14 in two different spots are going in a  
15 forward direction from the vertical line  
16 drawn through the President's head, and  
17 the burst of pink is in the forward area.  
18 This to me has to be, as a layman, since  
19 I have no experience in wounds and  
20 ballistic wounds and so on, as a layman  
21 studying that one frame, it indicates to  
22 me he was shot --

23 MR. OSER:

24 Objection, he stated he is not an expert  
25 in the field of ballistics.

1 MR. WILLIAM WEGMANN:

2 He was asked as a photographic expert  
3 if he had an opinion.

4 MR. OSER:

5 He said he himself is not qualified in  
6 the area of ballistics.

7 THE COURT:

8 In your opinion as an expert photographer  
9 or examiner of photographs.

10 THE WITNESS:

11 As an expert photographer, as an expert  
12 in examining photographs, my  
13 impression of that photograph is  
14 that the shot came from the rear.

15 BY MR. DYMOND:

16 Q Arriving at this conclusion, did you take into  
17 consideration the movements of the  
18 President's body as shown in Frame 313?

19 A No, no, because specifically in Frame 313  
20 there is no movement of the President's  
21 body.

22 Q Well, let's say as shown on the frames surround-  
23 ing Frame 313 and immediately after.

24 A No, I did not take into consideration the  
25 movement of his body in reaching that

1 conclusion, merely the direction of the  
2 explosion from his head and the portions  
3 of matter or whatever is flying through  
4 the air.

5 Q As an expert in photography, were you able to  
6 identify in these photographs the material  
7 from the -- which seems to be going  
8 forward from the President's head in  
9 those photographs?

10 A Identify them, no, I was not able to identify  
11 the material.

12 Q I means as to --

13 A There is an explosion of his head and there  
14 is something streaking through the air.  
15 It is a pink color that streaks forward,  
16 there is one that goes more directly  
17 forward or had a greater angle forward  
18 than the other, the other is slightly  
19 off of the perpendicular, but still  
20 forward.

21 MR. DYMOND:

22 That's all, Your Honor.

23 THE COURT:

24 Do you have any further need of Mr.

25 Shaneyfelt?



1 MR. OSER:

2 The State asks he be excused from his  
3 subpoena.

4 THE COURT:

5 You are excused.

6 THE COURT:

7 Call your next witness. Is the witness  
8 outside of the court?

9 MR. OSER:

10 I would like the record to show --

11 THE COURT:

12 Let the record show that Mr. Oser turned  
13 over "Exhibit 37" to the Minute  
14 Clerk.

15 WILMA IRENE BOND, as  
16 having been first duly sworn by the Minute Clerk,  
17 was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. ALFORD:

20 Q Mrs. Bond, I want you to make sure you speak  
21 into the microphone so all of these  
22 gentlemen will be able to hear you  
23 plainly and distinctly. Where do you  
24 live, Mrs. Bond?

25 A Dallas, Texas.

1 Q And how long have you lived in Dallas?

2 A Twenty years.

3 Q Now, Mrs. Bond, were you in Dallas, Texas, on  
4 November 22, 1963?

5 A Yes, I was.

6 Q Did you have occasion to be in Dealey Plaza  
7 on that day?

8 A Yes, I was.

9 Q Approximately what time did you arrive at  
10 Dealey Plaza?

11 A Well, it was right after the Kennedys landed  
12 at Fort Worth, I guess it was about 11:00,  
13 after 11:00 o'clock when we walked over  
14 to Dealey Plaza.

15 Q What was your purpose for going to Dealey  
16 Plaza?

17 A To see the President of the United States.

18 Q What location in Dealey Plaza did you position  
19 yourself?

20 A The -- on Main and Houston Street.

21 Q Would you please step down. First I would  
22 ask you to step over to this large board  
23 here, and it has been previously marked  
24 as "State Exhibit 35," and please point  
25 out the location where you were, the

1 position that you first were when you  
2 were in Dealey Plaza.

3 A Well, right here, right in here, I was stand-  
4 ing right where I am pointing, right here.

5 Q You may return to your seat.

6 MR. DYMOND:

7 May we suggest that the witness mark  
8 the spot?

9 MR. ALFORD:

10 We will in a moment, Your Honor, I would  
11 appreciate the opportunity to carry  
12 out my own examination.

13 BY MR. ALFORD:

14 Q Now, is the position that you have just pointed  
15 or in what position were you when you  
16 first saw the Presidential motorcade that  
17 you in fact saw?

18 A I beg your pardon? I don't understand what  
19 you mean.

20 Q In what location in Dealey Plaza were you  
21 when you first saw the Presidential  
22 limousine?

23 A I was standing where I was pointing, facing  
24 Main Street.

25 MR. DYMOND:

1 We object to that, we are entitled to  
2 have the records show the lady's  
3 testimony, and the record does not  
4 show anything unless she marks it.

5 MR. ALFORD:

6 I would request that Mr. Dymond allow  
7 me to proceed. If she has not  
8 indicated it clearly when I tender  
9 the witness and he wants her to  
10 indicate it, he may ask her to do so.  
11 I would simply appreciate the oppor-  
12 tunity to proceed, and I think the  
13 objection is premature and will be  
14 unnecessary by the time I finish my  
15 examination.

16 MR. DYMOND:

17 We are entitled to a stenographic trans-  
18 cript of this proceeding, at least  
19 to have it all taken down. There  
20 is no way in the world that the  
21 court reporter can take it down when  
22 the witness walks to a chart, places  
23 her finger there and does not put a  
24 mark. It means nothing in the  
25 record. Suppose she puts her finger

1 in two different places at two  
2 different times? We are entitled to  
3 know it or have it marked.

4 THE COURT:

5 I think it will clarify the record. Go  
6 put a "B" at the spot where you say  
7 you were standing there, please, "B"  
8 for Bond, and that will clear up the  
9 thing.

10 (Witness marking chart.)

11 THE COURT:

12 Circle it, please.

13 (Witness doing so.)

14 THE COURT:

15 You may come back.

16 BY MR. ALFORD:

17 Q Now, Mrs. Bond, in what direction and on what  
18 street was the Presidential limousine  
19 proceeding at the time you first saw it?

20 A It was turning the corner from Main onto  
21 Houston.

22 Q And was it proceeding towards what was --  
23 what is the name of the street that it  
24 was proceeding towards?

25 A Elm Street.

Q And did the -- were you able to observe the  
Presidential limousine at all times?

MR. DYMOND:

I object to leading the witness, Your  
Honor.

THE COURT:

Rephrase your question.

BY MR. ALFORD:

Q At what time did you lose sight of the Presi-  
dential limousine, if in fact you ever  
did?

A When he turned the corner.

Q Which corner?

A To go down Elm Street.

Q Now, what did you do if anything at this point?

A I watched the President's car turn onto  
Houston Street, then I turned and I had  
a camera and I was trying to take a  
picture of the Depository, but my camera  
does not take double exposures and I had  
forgot to wind the camera, I did not take  
any, and I proceeded going over toward  
this alcove or whatever it is to take  
some pictures.

Q And did you hear any unusual noises in Dealey

Plaza?

90

A I heard what I thought was a firecracker, a firecracker.

Q And what were you doing at the time you heard this noise?

A I was trying to take a picture of the building, or I mean the corner there, and that is when I realized that I had not cocked my camera and I felt, well, when I heard what I thought was a firecracker.

Q And what did you do after this?

A Well, I proceeded on over to the alcove, whatever you want to call it.

Q Now, Mrs. Bond, would you please step down from the witness stand and come over to this large map. I am going to give you a pin with a small flag which has your name written on it, and I ask you to please attach this pin to this large map at the location where you were at the alcove. Now, Mrs. Bond, I direct your attention to what, for purposes of identification, the State has marked as "S-34," and step over here, if you will. Now, I ask you whether or not you -- I

1 ask you to place a small "x" on this  
2 which would indicate your position at  
3 the alcove.

4 A On here?

5 Q Yes.

6 A If it is the last one, it is the last whatever  
7 you call that, a pigeonhole, so to speak.  
8 It was the last pigeonhole or whatever it  
9 was, the opening there that I went to.

10 Q Will you place a small "x" at this point.

11 A Yes (indicating).

12 Q Now, Mrs. Bond, I will give you a small statue  
13 of a woman and I would ask you, directing  
14 your attention to what we have marked as  
15 "S-36," I would ask you to please place  
16 this in the location where you were  
17 standing at the alcove.

18 A Yes (doing so).

19 Q You may return to the witness chair. Now,  
20 Mrs. Bond, you have testified that you  
21 heard one noise. While you were in Dealey  
22 Plaza, did you hear any additional  
23 unusual noises?

24 A I heard two more.

25 Q I see. And what were the sounds characteristic



1 of, if you know?

2 A Still firecrackers to me.

3 Q Were you able or do you -- did you at the  
4 time have any idea as to where these  
5 noises were coming from?

6 A No, other than I was walking -- let's see,  
7 to the west, and I would be turned to  
8 the right and coming from this side --

9 Q Well, you would be -- what land object which  
10 is indicated on the aerial photograph  
11 would you have been walking toward?

12 A Well, I would be walking toward the triple  
13 underpass, I mean, in that general  
14 direction.

15 Q Now, did the sounds appear to you to emanate  
16 from your right or left?

17 A From my right.

18 Q Were you able to determine any specific  
19 location to your right in reference to  
20 in front of you or in back of you?

21 A No, sir.

22 Q Now, Mrs. Bond, were you in such a position  
23 that you could observe the Presidential  
24 limousine while it was on Elm Street?

25 A No, sir, I did not see the Presidential

1 limousine after it turned the corner on  
2 Houston and Elm.

3 -Q Were you in such a position that after hearing  
4 the last noise which you have described  
5 as a firecracker, that you could then  
6 observe the reactions of persons who were  
7 also in Dealey Plaza?

8 A Yes, I did.

9 Q And what was this reaction?

10 A I took a few pictures of some of them falling  
11 down, some of them were running toward  
12 the grassy knoll over on the other side --

13 MR. DYMOND:

14 I think if this lady took pictures, these  
15 pictures are probably the best  
16 evidence.

17 MR. OSER:

18 She has the right to finish her answer  
19 without being interrupted.

20 THE COURT:

21 She can say what she saw. She was telling  
22 us what the pictures show. Are you  
23 telling us what the pictures show  
24 or what you saw yourself?

25 THE WITNESS:

I took pictures.

BY MR. ALFORD:

Q Well, after hearing the last noise which you have described as a firecracker, did you take any photographs?

A Yes.

Q Do you have two of these photographs in your possession at this time?

A I don't have any photographs, I have got the 35-millimeter slides.

Q Would you please take these out.

A I sure will.

THE COURT:

Before we go into that, keep them in your possession, we will pick this up when we come back. This is a whole new field that you are going into. Rather than start it now, let's do it when we come back from lunch.

MR. ALFORD:

All right, Your Honor.

THE COURT:

Gentlemen of the Jury, I must admonish you again and instruct you not to discuss the case or any aspects

with anyone until it is finally

turned over to you for your

determination.

Let everybody have a seat.

Let the jury be excused for lunch, and

we will return back at 1:30.

Mr. Shaw, you are excused under your bond

and the court will return at 1:30.

(Whereupon, a luncheon recess was taken.)

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INDEX

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## CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

STATE OF LOUISIANA

VERSUS

CLAY L. SHAW

NO. 198-059

1426(30)

SECTION C

PROCEEDINGS in Open Court on Friday,

February 14, 1969

B E F O R E :

HONORABLE EDWARD A. HAGGERTY, JR.  
JUDGE, SECTION CDietrich & Pickett, Inc.  
*Stenotypists*333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130 - 522-3111

I N D E XWITNESS . . . . . DIRECT CROSS RE-DIRECT . . .

MRS. WILMA I. BOND	2	12	
MR. PHILIP WILLIS	17	28	29
MRS. PHILIP WILLIS	32	42	
BILLY JOE MARTIN	45	67	
ROGER CRAIG	69	88	
MRS. E. C. WALTON	91	98	



AFTERNOON SESSION

2

THE COURT:

Is the State and Defense ready to  
proceed?

MR. DYMOND:

Yes.

MR. ALFORD:

The State is ready.

...oOo...

MRS. WILMA I. BOND,

recalled to the stand, continued to testify on her  
oath as follows:

THE COURT:

Mrs. Bond, your previous oath is still  
binding and you are still a State  
witness.

DIRECT EXAMINATION

BY MR. ALFORD:

Q Mrs. Bond, did you have occasion while you were  
in Dealey Plaza and shortly after you  
heard what you testified to to be the  
third unusual noise to take a photograph?

A Yes, sir.

Q Do you -- how many photographs did you take?

A I took nine.

1 Q Do you have two of those photographs with you? 3

2 A Yes, sir, I do.

3 Q Please give them to me.

4 A (The witness complies.)

5 Q Have these photographs been in your possession  
6 continually since they were developed?

7 A No, sir.

8 Q And in whose possession have they been other  
9 than yours?

10 A Well, Life Magazine had them for a while and  
11 several other people used them but they  
12 had permission to do so.

13 Q After receiving these slides back were you  
14 able to look at them and identify them as  
15 the slides which you took?

16 A Yes, sir.

17 THE COURT:

18 I have a magnifying glass.

19 THE WITNESS:

20 It won't help because it needs a  
21 projector, Your Honor.

22 BY MR. ALFORD:

23 Q Mrs. Bond, from -- I want you to please  
24 examine these two photographs now, hold  
25 them up to the light and examine them --

1 A They are my slides, sir.

2 MR. ALFORD:

3 Your Honor, at this time the State would  
4 request permission to project these  
5 slides on a screen and I understand  
6 that perhaps Defense Counsel would  
7 prefer to have this initially done  
8 out of the presence of the Jury.

9 MR. DYMOND:

10 We don't know yet what these photographs  
11 are and we would like to ask some  
12 questions on traverse before we go  
13 into that.

14 It doesn't matter whether it's  
15 in front of the Jury or not,  
16 Your Honor.

17 TRAVERSE

18 BY MR. DYMOND:

19 Q Mrs. Bond, these slides which you have  
20 exhibited here, did you develop the  
21 negative yourself?

22 A No, sir, I did not.

23 Q Were you present while it was being developed?

24 A No.

25 Q And you say while you were taking pictures you

1           were not able to look and see what was  
2           going on in this -- in the area?

3   A       When you are taking the picture you are looking  
4           but it was snapped fast as I could and I  
5           didn't see what was going on until they  
6           were developed and after I did see the  
7           things.

8           MR. DYMOND:

9           I would like the Jury removed, Your  
10           Honor.

11           (JURY EXCLUDED.)

12           THE COURT:

13           Do you want the lights out, Mr. Oser?

14           MR. OSER:

15           Would you step down, Mrs. Bond.

16           We're ready, Judge.

17           THE COURT:

18           Turn the lights out, Sal.

19           (THE SLIDES PREVIOUSLY MARKED WERE  
20           SHOWN TO THE WITNESS.)

21           MR. OSER:

22           Does The Court want them run again?

23           THE COURT:

24           Ask Mrs. Bond if she needs them again.

25           THE WITNESS:

1 No, sir.

2 THE COURT:

3 Put the lights on, Mr. Sheriff.

4 BY MR. ALFORD:

5 Q Mrs. Bond, after viewing these two photographs  
6 are you able to identify them as being  
7 your photographs?

8 A They are photographs I took, sir, they are  
9 slides.

10 THE COURT:

11 I think you have covered the matter,  
12 Mr. Alford, she has covered the  
13 matter and let's bring them in and  
14 cover it again.

15 (JURY RETURNED.)

16 THE COURT:

17 You may proceed.

18 BY MR. ALFORD:

19 Q Mrs. Bond, I am going to once again hand you  
20 these two color slides and I would ask you  
21 to tell me which of the color slides  
22 were taken first in sequence of time.

23 A The one I have marked four.

24 Q The one that has been marked four?

25 THE COURT:

Why don't you give it an exhibit number,

Mr. Alford.

THE CLERK:

The next number is thirty-nine.

MR. ALFORD:

S-39.

THE WITNESS:

This one was taken after that one and it  
is marked five. I'm sorry.

MR. ALFORD:

Approximately how long --

THE COURT:

Mark that State-40, please, so we can  
keep track of the numbers.

BY MR. ALFORD:

Q Referring to what for purposes of identification  
has been marked as S-39 Mrs. Bond, which  
you stated was your first photograph, how  
long after the last noise which you have  
testified that you heard was it before  
you took this photograph, if you know?

A (No response.)

MR. DYMOND:

Just a moment please.

We object to any testimony

1 concerning these photographs, or with 8  
2 reference to them, on the ground  
3 that the proper foundation has not  
4 been laid.

5 All this lady testified to is  
6 that she took two pictures, took  
7 some film to a developer and this is  
8 what she got back and she is not  
9 able to identify these photographs  
10 as to what she saw there that day,  
11 was not present when the negatives  
12 were developed and that the original  
13 has been out of her possession and  
14 in the hands of other people and I  
15 don't think there has been a  
16 sufficient amount of identification  
17 between what she took and what is on  
18 these slides.

19 THE COURT:

20 The objection is overruled.

21 MR. DYMOND:

22 To which ruling Counsel reserves a bill  
23 of exception making the two exhibits  
24 -- what are the numbers -- State-39  
25 and State-40 and the Defense's

1 objections, the ruling of The Court,  
2 the testimony of this witness and  
3 also all of the record up to this  
4 point making as an additional ground  
5 for the objection that they are  
6 irrelevant to the issues in this  
7 case.

8 BY MR. ALFORD:

9 Q Mrs. Bond, I'm going to show you what for  
10 purposes of identification has been marked  
11 S-41 and also for purposes of identifica-  
12 tion marked S-39 and ask you to please  
13 examine these two and tell me whether or  
14 not they are one and the same scene.

15 A They are far as I could see.

16 Q Do you see anything on what has been marked  
17 S-41, which is a photograph, that is not  
18 in S-39, which is not depicted in S-39?  
19 Take your time.

20 A I am. Yes, it is. You see over here this  
21 might not have been developed, I don't  
22 know how they were developed but there  
23 are some objects in the corner here that  
24 are not on here.

25 Q Are these the same objects located on the



print?

A No, they are not and it looks like there should have been something out here further.

Q Everything located on the print is also contained on the slide though?

A Yes.

Q Thank you. Now, Mrs. Bond, as I was asking you before and I'll ask you once again: How long after you heard the third noise, which you previously have testified to, was it before you took this photograph, if you know?

A I don't know, sir.

Q Are you able at this time to estimate?

A No, I have no idea the time it happened, I do not know.

Q What were you doing at the time you took this photograph?

A I was standing there looking out.

Q Is this from the location by the alcade --

MR. DYMOND:

Object, Your Honor.

THE COURT:

I sustain the objection.

BY MR. ALFORD:

1 Q What location is this?

2 A It is north on that place over there, that  
3 alcove.

4 Q Did you observe the events prior to the time  
5 that this photograph, this slide was  
6 taken?

7 A Well, I don't know, I might have a second or  
8 two before I decided to take the picture  
9 but I don't remember.

10 Q Did you observe the events in Dealey Plaza  
11 after you took this photograph?

12 A Just walking around out of curiosity, that is  
13 all and looking.

14 Q Now, Mrs. Bond I now show you what for purposes  
15 of identification, what for purposes of  
16 identification I have marked S-42, and I  
17 also show you what for purposes of  
18 identification has been previously marked  
19 as S-40 and I would ask you to compare  
20 these and tell the Gentlemen of the Jury  
21 if there is anything contained in the  
22 print that is not contained in the slide?

23 A No, this one seems to be exactly the same.

24 Q I see. Thank you.

25 MR. ALFORD:

The State will tender the witness,

12

Your Honor.

CROSS-EXAMINATION

BY MR. DYMOND:

Q Mrs. Bond, when did you first find out that President Kennedy was going to visit Dallas?

A When?

Q About how long before the time of the assassination?

A Well, I can't -- I mean I would say at least a couple of weeks, I'm not sure whether I'm right on the time or not but it was not the day.

Q Now as I understand it you heard three distinct noises that you thought to be firecrackers going off, is that right?

A That is correct.

Q And that you were standing there, that you were standing in the vicinity of the uppermost of the two alcoves that appear in the State Exhibit S-34, is that right?

A No, when I heard the shots, no, sir, I was in the process of going from my position on Main Street to that alcove.

1 Q In other words you were some place in this  
2 area when you heard the shots fired?

3 A Yes, sir.

4 Q Between the alcove and your previous position  
5 on Main?

6 A On Main and Houston, on that corner.

7 Q Am I correct in recalling your testimony that  
8 you thought these noises came from your  
9 right?

10 A Beg pardon?

11 Q Did you not say you thought these noises came  
12 from your right?

13 A Yes, sir.

14 Q And at the time you were walking you were walk-  
15 ing towards this alcove I am indicating  
16 which is the uppermost indicated on the  
17 photograph?

18 A Well, if I understand you correct that is what  
19 I was going to.

20 Q Is it not a fact that in walking in that  
21 direction that the Texas School Book  
22 Depository was on your right?

23 A It was on my right.

24 Q And that is the direction you thought the  
25 noises came from?

13

1 A I do not know whether they came from that  
2 Depository but it came from that  
3 direction or to my right.

4 Q After you heard these noises that you thought  
5 were firecrackers, did the motorcade  
6 stop?

7 A I don't know, sir, 'cause I didn't see it.

8 Q You don't know. Now these photographs you  
9 have identified, that is the slides --

10 A Yes, sir.

11 Q -- is it not a fact that at the time those  
12 slides or pictures were taken that the  
13 people were scattering in many directions?

14 A The pictures show that.

15 Q Is it a fact they were, ma'am?

16 A Yes, they were moving, yes.

17 Q Now the people who are depicted as being  
18 moving in your slides, do you have any way  
19 of knowing if they were trying to get  
20 away from the directions of the shots or  
21 towards them or what?

22 A I do not know. I don't know any of the people  
23 in the slides.

24 MR. DYMOND:

25 That's all.

1 MR. ALFORD:

15

2 In connection with Mrs. Bond's testimony  
3 the State at this time moves to offer  
4 what has been previously marked as  
5 S-41 and S-42.

6 MR. DYMOND:

7 To which offering the Defense objects  
8 first on the ground of relevancy  
9 that they are irrelevant to the  
10 issues in this case.

11 Secondly, on the ground they  
12 have not been properly identified as  
13 actual photographs taken by this  
14 witness. Thirdly, they have not  
15 been in her possession, and have been  
16 out of her possession. And  
17 additionally that the Exhibit-40,  
18 by the testimony of this witness,  
19 does not depict precisely the same  
20 scene as the scene depicted by the  
21 slide from which it was blown up.

22 MR. ALFORD:

23 Relative to this last proposition the  
24 witness specifically testified that  
25 everything contained in the picture

1 was also contained in the slide so  
2 if anything, they are identical  
3 except that there is more in the slide  
4 than on the blowup.

5 THE COURT:

6 You are not offering the slides but the  
7 pictures?

8 MR. ALFORD:

9 The slides have been offered in evidence  
10 before.

11 MR. DYMOND:

12 No, they have not.

13 THE COURT:

14 I will overrule the objection and let them  
15 be permitted in evidence.

16 MR. DYMOND:

17 To which ruling Counsel reserves a bill  
18 of exception making the two exhibits  
19 S-40 and -41.

20 THE COURT:

21 It should be -41 and -42.

22 MR. DYMOND:

23 -41 and -42, Defense objects to the  
24 introduction for the reasons stated  
25 and makes a part thereof the ruling

Reference copy, JFK Collection: HSCA (RG 233)

1 of The Court, the exhibits themselves, 17  
2 the entire record and testimony up  
3 to this point parts of the bill.

4 MR. ALFORD:

5 May it please The Court I would like the  
6 record to reflect that I am returning  
7 to Mrs. Bond what has been previously  
8 marked S-39 and S-40 and additionally  
9 I request permission to display same  
10 to the Jury.

11 THE COURT:

12 They are an exhibit then now and you may  
13 exhibit them to the Jury.

14 (EXHIBITS DISPLAYED TO THE JURY.)

15 THE COURT:

16 Call your next witness. You may proceed.

17 ...oOo...

18 MR. PHILIP WILLIS,

19 a witness for the State, after first being sworn by  
20 the Minute Clerk, was examined and testified on his  
21 oath as follows:

22 DIRECT EXAMINATION

23 BY MR. OSER:

24 Q State your name for the record, Mr. Willis,  
25 state your name for the record.



1 A Philip L. Willis. 18  
2 Q Where do you live, Mr. Willis?  
3 A Dallas, Texas.  
4 Q What is your address?  
5 A 6911 Wabash Circle.  
6 Q Mr. Willis, were you residing in Dallas, Texas  
7 in November '63?  
8 A Yes, sir.  
9 Q Did you have occasion to be in that area of  
10 Dallas, Texas commonly known as Dealey  
11 Plaza on the date of November 22, 1963?  
12 A Yes, sir.  
13 Q Why did you go there, Mr. Willis?  
14 A I had my children out of school to see the  
15 parade and to take pictures.  
16 Q Who accompanied you?  
17 A My wife and my children, my two daughters.  
18 Q When you arrived in Dealey Plaza at the time  
19 the motorcade passed, where were you  
20 located when you first saw the motorcade  
21 approaching?  
22 A On the corner of Main and Houston Streets.  
23 Q Would you step down, Mr. Willis, and I direct  
24 your attention to State Exhibit 34 and I  
25 ask you if you could point out the area in

1 S-34 where you were located when the  
2 motorcade first approached you or your --  
3 you first saw it?

4 A I was standing on this corner when the  
5 motorcade was coming this way.

6 Q Would you put a "W" please if you would in the  
7 area where you were standing. Did you  
8 have occasion to move from this location?

9 A Yes, sir.

10 Q And if so, where did you go?

11 A After taking two pictures here I moved over  
12 here and took a picture of the President's  
13 car and the Vice-President Johnson's  
14 car, and the Secret Service car was left  
15 out of my picture in both from this angle  
16 right here.

17 Q After that location did you have occasion to  
18 go to a further location?

19 A Yes, sir, I moved a little further up here and  
20 took a photograph of the President's car  
21 in front of the Depository Building.

22 Q Then did you have occasion to move?

23 A I broke and ran around this corner and  
24 stationed myself by this tree on the curb.

25 Q Did you take any pictures from that location by

1 the tree?

2 A I took one picture of the President's car about  
3 where you are from me, only getting the  
4 occupants and this was directly in front  
5 of the Depository at this angle and then  
6 as they moved down I moved down just a  
7 little bit and then I took the picture of  
8 the President's car at that angle by the  
9 Stemmons Freeway sign, and other pictures  
10 following.

11 Q Mr. Willis, I direct your attention to State  
12 Exhibit 35, the plaque over here, and I  
13 ask you if you would put this pin on the  
14 location on that plat where you were  
15 located after you say you had run around  
16 the intersection of Houston and Alma  
17 Street near the vicinity of that tree  
18 where you took your next picture?

19 A (The witness complies.)

20 Q Now, sir, I ask you --

21 THE COURT:

22 If you are going to speak to him down  
23 there make him raise his voice so  
24 the Court Reporter can hear with  
25 ease. You may use the microphone.

1 BY MR. OSER:

21

2 Q Referring to State Exhibit 36, would you take  
3 this emblem of an individual and place it  
4 on this mockup in the area where you were  
5 when you took your last picture after you  
6 had run around from the intersection of  
7 Elm and Houston Streets?

8 You can go back, Mr. Willis.

9 Mr. Willis, I believe you stated you had  
10 some opportunity to take various photo-  
11 graphs at this time?

12 A Yes, sir.

13 Q What type camera were you using?

14 A An Argus Actronic which is a 35 millimeter.

15 Q This type of camera, the end result is a  
16 35 millimeter slide?

17 A Yes, sir.

18 Q Do you have those slides with you now?

19 A Yes, sir.

20 Q May I have them?

21 A Four.

22 MR. OSER:

23 Will The Court indulge me a moment?

24 BY MR. OSER:

25 Q Mr. Willis, I show you what the State has

1 marked for purposes of identification as  
2 S-43, S-44, S-45 and S-46 and I ask you  
3 if you can identify those exhibits which  
4 have been marked for purposes of  
5 identification as having seen them before?

6 A Yes.

7 Q And how can you recognize these pictures?

8 A They have become very familiar to me and I  
9 had them copyrighted and these I have had  
10 made from my originals.

11 Q Now I show you, Mr. Willis, what the State has  
12 marked for purposes of identification as  
13 S-47, and I ask you if you have ever seen  
14 what is depicted in this photograph  
15 before?

16 A Yes, it is mine.

17 Q Again I show you what the State has marked for  
18 purposes of identification S-43 and I ask  
19 you what is depicted in S-47, which is  
20 the large 8 x 10, is represented in S-43  
21 which is the 35 millimeter slide?

22 A Yes, sir.

23 Q I show you now what the State has previously  
24 marked as S-43 and I ask you if you are  
25 familiar with what is depicted in that

1 photograph?

2 A Yes, sir.

3 Q I ask you to compare S-43, the large 8 x 10  
4 photograph, with what is contained in  
5 S-44 and tell us whether or not they are  
6 the same picture?

7 A They are the same.

8 Q Now I show you what the State has marked as  
9 S-48 for purposes of identification, an  
10 8 x 10 photograph, and I ask you if you  
11 are familiar with what is depicted in  
12 that photograph?

13 A Yes, sir.

14 Q Would you please compare that with S-45, the  
15 35 millimeter slide.

16 A They are the same.

17 Q And I now show you what the State has marked  
18 S-49 for purposes of identification and  
19 ask you if you're familiar with what is  
20 depicted in that photograph?

21 A Yes, sir.

22 Q Would you please compare that with S-46 and  
23 tell us whether or not those are the same  
24 pictures depicting the same scene?

25 A Yes, sir, they are.

1 Q Mr. Willis, how were your pictures developed,  
2 were you present when your slides were  
3 developed, the originals?

4 A Sir?

5 Q Were you present when the original slides were  
6 developed?

7 A Yes.

8 Q These 8 x 10 enlargements you have identified,  
9 were these done at your request and were  
10 you present?

11 A Yes, sir.

12 Q Now while you were in Dealey Plaza on that day,  
13 Mr. Willis, did anything unusual happen  
14 that caused you to draw your attention to  
15 a particular incident?

16 A Yes.

17 Q Tell the Jury what happened.

18 A Well, after having photographed the President  
19 on Main Street and on Houston Street and  
20 then in front of the Depository Building  
21 on Elm Street I cocked my camera for  
22 another picture and this loud shot went  
23 off and the first reaction was that could  
24 it be a crank or a firecracker but it was  
25 so loud and of such a sound it had to be

1 rifle so I became alarmed. I was trying  
2 to take a picture at the moment and the  
3 reflex from the shot caused me to take  
4 one of these pictures.

5 Q I show you what the State has previously  
6 identified as S-33 and I ask you whether  
7 or not this is the photograph that you  
8 took at the time you said you heard the  
9 first shot?

10 A Yes, sir.

11 Q After having taken this photograph, Mr. Willis,  
12 what did you do?

13 A My two little daughters were running along  
14 down the hill paralleling the Presidential  
15 car there and I yelled to one of them,  
16 which is the first thing I did, and then  
17 I heard at least two more shots and then  
18 I started looking for them and looking  
19 down and hollering for them to come back  
20 to me and they came running back crying.

21 Q Did you have any occasion to take any other  
22 photographs after you located your  
23 children?

24 A There were -- They were just down here ahead  
25 of me and they came back and said



1 "Daddy, he has been shot, his head blew  
2 up," and so I started taking more pictures  
3 of people falling on the ground and run-  
4 ning up the knoll there and later I went  
5 back and took pictures of the crowd.

6 MR. DYMOND:

7 We object to this witness testifying as  
8 to what he took pictures of unless  
9 he has the pictures.

10 MR. OSER:

11 Let the man answer the question.

12 MR. DYMOND:

13 That is our objection.

14 THE COURT:

15 Do you have the pictures depicting what  
16 you just stated, is that what is  
17 pictured in there?

18 MR. OSER:

19 The next question was going to be about  
20 certain pictures.

21 BY MR. OSER:

22 Q Mr. Willis, I now show you what the State has  
23 marked as S-48 and -49 and ask you whether  
24 or not those two photographs depict the  
25 scene as you saw it after you had located

1                   your children and found out there were  
2                   safe?

3     A     Yes, sir.

4     Q     While in Dealey Plaza after having heard the  
5                   first shot that made you take that one  
6                   picture, will you tell us whether or not  
7                   you heard any other noises similar to the  
8                   first noise?

9     A     Yes, sir.

10    Q     How many did you hear all told?

11    A     I assumed two more.

12    Q     So it'd be a total of three, is that correct?

13    A     Yes.

14    Q     Will you tell us the area in which you heard  
15                   these shots coming from?

16    A     I was looking down here and I felt certain  
17                   that they came from my right in that  
18                   area across there.

19    Q     Mr. Willis, did you have occasion to see any  
20                   affect that any shot may have had on any  
21                   occupants in the Presidential limousine?

22    A     Honestly, no, sir, because I was trying to  
23                   use the view finder for the camera and  
24                   I was more interested in getting the  
25                   whole car than focusing on an individual.

1 I did not.

2 MR. OSER:

3 I tender the witness.

4 CROSS-EXAMINATION

5 BY MR. DYMOND:

6 Q Mr. Willis, you say that to the best of your  
7 recollection, in considering the circum-  
8 stances of excitement, that you heard three  
9 shots, is that right, sir?

10 A Yes, sir.

11 Q Now as I understand it, Mr. Willis, you were  
12 standing here at the point indicated by  
13 the flag with your name on it on State  
14 Exhibit-35, is that correct?

15 A Yes, sir, by that tree.

16 Q And you say you were looking down here, and  
17 by down here do you mean down Stemmons  
18 Freeway?

19 A Yes, sir.

20 Q And you say the shots came from your right, is  
21 that correct?

22 A They sounded as if they did.

23 Q Is it not a fact that the Texas Book  
24 Depository was to your right?

25 A Sir?

Q Was the Texas Book Depository to your right?

A Yes, sir.

Q That is all, sir.

RE-DIRECT EXAMINATION

BY MR. OSER:

Q Mr. Willis, I show you what the State has  
marked as S-47 and ask you where you were  
located when you took this photograph?

A I was located --

MR. DYMOND:

We object on the grounds that it is not  
proper Re-Direct.

MR. OSER:

I withdraw the question. Your Honor, the  
State has no further need for this  
witness.

The State at this time wishes  
to offer, introduce and file in  
evidence the exhibits marked for  
identification S-43, -44, -45, and  
-46, the 35 millimeter slides.

MR. DYMOND:

If The Court please, we object to these  
on the grounds they are irrelevant  
to the issues in this case.

1 THE COURT:

30

2 The objection is overruled.

3 MR. DYMOND:

4 To which ruling, Counsel reserves a bill  
5 of exception making the exhibits  
6 S-43, -44, -45 and -46 part of the  
7 bill, Defense's objections as well  
8 as the ruling of The Court and the  
9 exhibits and all of the testimony up  
10 to now parts of the bill.

11 MR. OSER:

12 The State would now like to offer,  
13 introduce, and file in evidence that  
14 previously marked as S-33, -47, -48  
15 and -49.

16 THE COURT:

17 S-33? And you haven't marked anything  
18 as -50 yet.

19 MR. OSER:

20 No, sir.

21 MR. DYMOND:

22 To which ruling Defense objects on the  
23 grounds of relevancy.

24 THE COURT:

25 The objection is overruled.

1 MR. DYMOND:

31

2 And reserve the same bill of exception and  
3 containing the same other parts  
4 except that we want the Exhibits  
5 S-33, -47, -48 and -49 as parts of  
6 this bill.

7 MR. OSER:

8 At this time the State requests permis-  
9 sion of The Court to display the  
10 slides and the 8 x 10's to the Jury.

11 THE COURT:

12 Mr. Sheriff, tilt that screen a little  
13 bit and Mr. Oser, you tell me when  
14 you are ready to show them to the  
15 Jury.

16 MR. OSER:

17 I want to see if they are in the machine  
18 correctly.

19 (SLIDES DISPLAYED ON THE SCREEN.)

20 THE COURT:

21 Turn the lights on, Mr. Sheriff.

22 MR. OSER:

23 The State requests permission to display  
24 the photographs to the Jury.

25 THE COURT:

1 While one group is looking at the pictures 32  
2 let the other group look at the four  
3 slides.

4 MR. OSER:

5 Your Honor, the State's next witness is  
6 Mrs. Philip Willis.

7 ....oo...

8 MRS. PHILIP WILLIS,  
9 a witness for the State, after first being duly  
10 sworn by the Minute Clerk, was examined and testified  
11 on her oath as follows:

12 DIRECT EXAMINATION

13 BY MR. ALFORD:

14 Q Mrs. Willis, I want you to simply relax and  
15 talk as loud as you possibly can in the  
16 microphrone 'cause all of us have to hear  
17 you clearly. If you don't understand any  
18 of my questions let me know and I will be  
19 glad to repeat it.

20 Would you state your full name for  
21 the record, please?

22 A Yes, I am Mrs. Phil Willis.

23 Q Where do you live?

24 A In Dallas, Texas.

25 Q Mrs. Willis, on the date of November 22, 1963

1 did you have occasion to be in Dealey  
2 Plaza in Dallas, Texas?

33

3 A Yes, I did.

4 Q Approximately what time did you arrive there?

5 A About 11:45.

6 MR. DYMOND:

7 If The Court please, we again object to  
8 the entire line of questioning on  
9 the ground it is irrelevant to the  
10 issues.

11 THE COURT:

12 The objection is overruled.

13 MR. DYMOND:

14 To which ruling we object and reserve a  
15 bill of exception, making all the  
16 testimony up until this point and  
17 particularly this testimony and the  
18 Defense's objection and The Court's  
19 ruling all part of the bill.

20 BY MR. ALFORD:

21 Q Would you tell us approximately what time you  
22 arrived in Dealey Plaza?

23 A 11:45.

24 Q Were you accompanied by anyone?

25 A My husband, my two daughters.



1 Q Mrs. Willis, upon -- first, did you have  
2 occasion to view the Presidential motor-  
3 cade?

4 A Yes.

5 Q Upon first viewing the motorcade what was your  
6 location in Dealey Plaza?

7 A At the corner of Houston and Main.

8 Q Would you please come down from the witness  
9 stand.

10 THE COURT:

11 Let her use the microphrone if she is  
12 going to testify from down there.

13 MR. ALFORD:

14 Yes, sir.

15 BY MR. ALFORD:

16 Q Now I direct your attention to what for purposes  
17 of identification --

18 THE COURT:

19 Mr. Alford, your back is to the Reporter  
20 so you will have to speak louder.

21 BY MR. ALFORD:

22 Q I now direct your attention to what for  
23 purposes of identification has been marked  
24 as S-34 and I ask you to please indicate  
25 with a "W" your location on first viewing

the motorcade.

35

A (The witness complies.)

Q Did you have occasion during the course of the motorcade's procession through Dealey Plaza to change your location?

A Yes, I did.

Q Where did you go after you left the corner of Houston and Main?

A After the motorcade passed my point of view and turned into Elm Street I walked across the Plaza to this point here (indicating).

Q Mrs. Willis, I'm going to give you a small flag with a pin and direct your attention to what for purposes of identification is marked State-35 and I would request that you place the pin in the location where you moved to.

A I dropped it. There it is.

Q Further, Mrs. Willis, I give you a small emblem and ask you to step over here and I direct your attention to what for purposes of identification has been marked S-36, and I give you a small emblem and request you to place this in the location where you finally viewed the balance of the

motorcade.

36

A (The witness complies.)

Q Okay, you may return to the witness stand.

Thank you.

Mrs. Willis, while you were in Dealey Plaza in Dallas on November 22, 1963, did anything unusual occur?

A Yes.

Q Did you hear any unusual noises?

A Yes, I did.

Q How many such noises did you hear, if you know?

A I heard three.

Q What did the first noise sound like to you?

A I thought it was a firecracker.

Q Did you at the time of the first noise, was the Presidential limousine within your view?

A No, it wasn't.

Q At the time you heard the second noise what did you think this to be?

A I knew it was a gunshot then.

Q And was the Presidential limousine in your view at that time?

A Yes, sir.

Q Could you see the effects of the second noise?

1 A Yes.

2 Q What were those effects?

3 A The effects were that the third shot, his  
4 head --

5 Q Excuse me, but I am talking about the second  
6 noise.

7 A The second noise drew my attention back to the  
8 motorcade.

9 Q I see. Now what, or did the third noise, would  
10 you describe what it sounded like to you?

11 A It was a loud gunshot.

12 Q And did you observe, or were you able at the  
13 time of this third noise, to view the  
14 Presidential motorcade, the limousine?

15 A Yes.

16 Q What was your attention directed on at that  
17 time?

18 A The President.

19 Q Was your attention directed on any one person  
20 in there?

21 A No. I knew Governor Connally and knew  
22 Senator Ralph Yarborough and I knew  
23 Vice-President Johnson and I only had  
24 eyes then for the President.

25 Q Were you able to determine at that time from

where these shots were coming?

38

A No.

Q Did you have an unobstructed view of  
President Kennedy at the time of the  
third shot?

A Absolutely.

Q Mrs. Willis, would you please describe for the  
Gentlemen of the Jury and Court what you  
saw as a result and as the effects of this  
third shot?

A On the third shot his head exploded and went  
back and to the left.

Q Did you observe anything, anything other than  
the explosion?

A It exploded like a red halo.

Q Mrs. Willis, have you ever as of this day seen  
the Zapruder film?

A Yes.

Q Where did you see it?

A At Eastman Kodak.

Q Did this film indicate the same thing you  
observed?

MR. DYMOND:

I object as that is something for the  
Jury to determine. I think he is

1                   trying to corroborate the witness  
2                   with a self-serving declaration.

3 BY MR. ALFORD:

4 Q     Did you at the time you observed the explosion  
5           of the President's head, did you see  
6           anything leave the President's head?

7 A     Yes, it seemed to be a matter of some type  
8           from his head.

9 Q     What was the direction of this matter as you  
10          were able to observe?

11 A     Back.

12 Q     Would that be to the backwards left or to the  
13          backwards right as he was seated in the  
14          car?

15 A     To his left.

16 Q     Now were you also able to observe the Presiden-  
17          tial limousine at approximately the time  
18          of the third shot which you have  
19          described?

20 A     Yes, I could see the car.

21 Q     Did it appear to you, or at what or did it  
22          appear to you to be moving at a constant  
23          rate of speed?

24 A     Yes, that is correct.

25 Q     Did it appear to you, or did it ever appear to

1                   you that at any time during its route  
2                   down Main Street to accelerate?

3 A       No.

4 Q       And specifically at the time of the third  
5           shot did you observe the automobile  
6           accelerate?

7 A       No, as a matter of fact they almost halted.

8 Q       What else did you observe after the third shot  
9           if anything?

10 A       The cars broke from formation a little and I  
11           only saw it speed up as it went under the  
12           underpass on the way to the hospital.

13 Q       Were you able to observe the reaction of the  
14           other people in Dealey Plaza?

15 A       Yes, many of them rushed up the grassy knoll.

16 Q       Did you see any policemen go up there?

17 A       Yes.

18 Q       Did you go in this direction?

19 A       No, I stood and watched, I was concerned for  
20           my family and I first looked for them.

21 Q       Did you see anyone -- are you familiar with a  
22           wooden stockade-type fence in Dealey  
23           Plaza?

24 A       Yes.

25 Q       Did you see anyone climbing this fence?

1 MR. DYMOND:

41

2 I object to the leading of the witness.

3 THE COURT:

4 She can answer as to whether she saw it  
5 or not.

6 BY MR. ALFORD:

7 Q Describe what you saw in this area.

8 A Well, there were many people on the ground,  
9 still on the ground at that time when the  
10 policeman got off his motorcycle and  
11 rushed up the grassy knoll.

12 Q Mrs. Willis, I show you what for purposes of  
13 identification has been marked S-42 and  
14 ask you whether or not this scene is  
15 familiar to you?

16 A Yes, it is.

17 Q Do you see any policemen in this photograph?

18 A Yes.

19 Q Do you recall observing this policeman on  
20 November 22?

21 A Yes, I do.

22 Q What was this policeman doing as you observed  
23 him on November 22?

24 A He was running toward this wall, this fence.

25 Q Mrs. Willis, did you ever testify, or were you



1 ever called to testify in front of the  
2 Warren Commission?

42

3 A No, I was not.

4 MR. ALFORD:

5 I tender the witness.

6 CROSS-EXAMINATION

7 BY MR. DYMOND:

8 Q Mrs. Willis, you say you don't know what the  
9 direction the sounds of these explosions  
10 came from, is that right?

11 A I'm not an expert with guns and I can't say but  
12 I think they were in front of me.

13 Q And it is your testimony that at the moment of  
14 that third shot you observed all at one  
15 time the President's head, the movement  
16 of his head over to the left, his falling  
17 back, the direction in which --

18 MR. ALFORD:

19 It is an incorrect statement because the  
20 witness said to the back and left and  
21 Defense's lawyer is only saying left.

22 MR. DYMOND:

23 I'm not attempting to repeat her testi-  
24 mony, I'm asking her if this is or  
25 was her testimony.

1 BY MR. DYMOND:

2 Q Is it your testimony that at the moment the  
3 third shot was fired that all at once  
4 you were able to observe the President's  
5 head, the President's head moving back  
6 and to the left, your statement that  
7 whatever matter that came from his head  
8 went to the rear, and also the automobile  
9 did not accelerate at that moment and you  
10 saw all of that at one moment?

11 A I don't believe the car accelerated at that  
12 moment.

13 Q But you were able to observe all these things?

14 A I certainly saw his head blow up.

15 Q Now these people that you say were running  
16 towards the grassy knoll, do you know if  
17 they were running for cover or if they  
18 were running towards the shots or away  
19 from the shots?

20 A I think a policeman would be running --

21 Q I didn't ask you what you thought.

22 MR. ALFORD:

23 Let her answer the question.

24 MR. DYMOND:

25 If The Court please it is not responsive

1 when I asked her the question.

44

2 MR. ALCOCK:

3 She has a right to answer the question  
4 and because the wrong answer comes  
5 out he wants to object.

6 THE COURT:

7 Ask the lady did she know or if she knows --  
8 do you know?

9 THE WITNESS:

10 They didn't advise me.

11 MR. DYMOND:

12 That is all, madam.

13 . . . At the hour of 2:50 o'clock  
14 p.m. The Court recessed until  
15 3:13 o'clock p.m. . . .

16 THE COURT:

17 Is the State and Defense ready to  
18 proceed?

19 MR. DYMOND:

20 Yes.

21 MR. ALCOCK:

22 Yes.

23 . . . oOo . . .

24 BILLY JOE MARTIN,

25 a witness for the State, after first being duly

Reference copy, JFK Collection: HSCA (RG 233)

1 sworn by the Minute Clerk, was examined and testified 45  
2 on his oath as follows:

3 DIRECT EXAMINATION

4 BY MR. ALFORD:

5 Q Sir, would you speak loud so we can all hear  
6 you and direct your voice into the  
7 microphone so we can hear your story.  
8 State your full name.

9 A Billy Joe Martin.

10 Q Mr. Martin, by whom are you employed?

11 A Employed by the City of Dallas Police Depart-  
12 ment.

13 Q How long have you been a Dallas policeman?

14 A Sixteen years this June.

15 Q On November 22, 1963 were you a member of the  
16 Dallas Police Department?

17 A Yes, sir, I was.

18 Q To what division or bureau of the Dallas Police  
19 Department were you assigned on that day?

20 A Assigned to the Traffic Division, motorcycles.

21 Q Officer Martin, did you have occasion on  
22 November 22, 1963 to escort a motorcade?

23 A Yes, sir, I did.

24 Q What motorcade was this?

25 A President Kennedy's motorcade from Love Field.

1 Q When did you pick up this motorcade?

46

2 A At Love Field at the ramp.

3 Q What was your destination?

4 A Going to Market Hall and they had a parade  
5 route down Lennon and down through town.

6 Q This parade route included going through  
7 Dealey Plaza?

8 A Yes, sir, it did.

9 Q What was the route through Dealey Plaza?

10 A We were traveling, we was traveling what would  
11 be East on Houston and made a left turn  
12 to, to, it would be the South, -- those  
13 streets don't run exactly north and south,  
14 but we made a left turn on Elm and  
15 Houston and we run right in front of  
16 Dealey Plaza and along the side of it.

17 Q Now what was your particular assignment rela-  
18 tive to this motorcade?

19 A Me and my partner was assigned to ride to the  
20 left and to the rear of the President's  
21 car and in case the car had to stop not  
22 to let the onlookers on up next to the  
23 car.

24 Q Who was your partner on that day?

25 A Bobby Hargis.

1 Q Do you know of your own knowledge where he is 47  
2 today?

3 A Yes, sir, in the hospital.

4 Q In Dallas?

5 A Yes, sir, Methodist Hospital.

6 Q Which of you were riding closest to the  
7 President's limousine?

8 A Officer Hargis would be. He was riding closest.

9 Q Approximately how far were you behind the  
10 Presidential limousine?

11 A I would estimate 10 to 12 feet.

12 Q And this distance I don't guess remained  
13 constant throughout?

14 A No, sir, it did not.

15 Q At the time that you were proceeding on Elm  
16 Street you -- do you recall approximately  
17 how far behind the Presidential limousine  
18 you were?

19 A No, sir, but it would be my best estimate about  
20 10 foot at that time.

21 Q Officer Hargis, I now show you what for  
22 purposes --

23 THE COURT:

24 This is Officer Billy Joe Martin.

25 BY MR. ALFORD:

1 Q Officer Martin, I now show you what for  
2 purposes of identification has been  
3 marked S-33 and ask you whether or not  
4 you can recognize yourself in this  
5 photograph?

6 A Yes, sir, this is me to the left of the  
7 picture.

8 Q Officer Martin, I would request you to place  
9 an "X" mark on the photograph above your  
10 head.

11 A (The witness complies.)

12 Q Now, Officer Martin, as the motorcade was  
13 proceeding on Elm Street did you have  
14 occasion to see or hear anything  
15 unusual?

16 A Yes, sir, after we turned onto Elm Street I  
17 heard what I thought was a shot and then  
18 I heard, I looked back to my right and  
19 two more shots or what I thought to be  
20 two more shots I heard.

21 Q Officer, do you know where these shots were  
22 coming from?

23 A No, sir, I do not.

24 Q Were you able to hear the third shot  
25 distinctly?

1 A Yes, sir.

2 Q Were you able to see the effects of the third  
3 shot?

4 A No, sir, I did not.

5 Q What were you doing at the time of the third  
6 shot, if you recall?

7 A All during the shots I was looking to my left  
8 and right trying to find out where the  
9 shots were coming from.

10 Q Now, Officer Martin, shortly after hearing the  
11 third shot did you notice the Presidential  
12 limousine's speed?

13 A Yes, sir, it was after the third shot it had  
14 almost come to a stop, it was going very  
15 slow.

16 Q Did you at any time see the limousine speed  
17 up?

18 A Yes, sir, there was a, an FBI agent, a man who  
19 came from my right and attempted to get  
20 up on the back of the limousine and it  
21 started off as if they had hit the gas  
22 and threw the brake which caused it to  
23 throw him off balance and he stepped back  
24 off the bumper and then he regained his  
25 balance and got back up on the limousine.



1 and after he got on the back they  
2 accelerated and left the scene.

3 Q What was the first reaction of the limousine  
4 after you heard the third shot?

5 A The only reaction right after it was going very  
6 slow.

7 Q Officer Martin, what did you do after hearing  
8 the third shot in relation to the  
9 Presidential limousine?

10 A We had instructions before going on the  
11 escort not to leave the limousine and to  
12 stay with it regardless of what happened.  
13 When they left I kept up my position as  
14 best I could and we proceeded on down  
15 Elm Street and out Stemmons Expressway  
16 there to Parkland Hospital on Harry Hines.

17 Q What did you do when you arrived at the  
18 Parkland Hospital?

19 A When we -- There was quite a lot of traffic  
20 trying to follow. After we entered the  
21 emergency ramp there is a curb where you  
22 can go back down the emergency ramp and  
23 I stopped my motorcycle there and cut the  
24 traffic off to try to keep from blocking  
25 the entrance.

1 Q Officer Martin, while you were stopped at this  
2 location at Parkland Hospital did you  
3 have occasion to examine your motorcycle?

4 A Yes, sir, I did. I was working traffic there  
5 and they cut, after a short time they had  
6 cut the traffic off at Harry Hines and I  
7 really didn't have too much to do. I did  
8 notice there were red splotches on the  
9 windshield of the motorcycle and also on  
10 the front fender.

11 Q As a police officer were you able to determine  
12 what these red splotches were?

13 MR. DYMOND:

14 I object to this as this is not a medical  
15 expert.

16 MR. ALCOCK:

17 Your Honor, he can testify on human  
18 experience.

19 MR. DYMOND:

20 If The Court please, that is a medical  
21 field.

22 MR. ALCOCK:

23 "What it appears to be" to him, not  
24 expertly analyzed and giving us an  
25 expert opinion but what it appeared

1 to him to be and certainly he can  
2 testify to that.

3 THE COURT:

4 In other words, he has not been certified  
5 as an expert medical officer but just  
6 to in his experience determine what  
7 it was.

8 MR. ALCOCK:

9 That is right.

10 THE COURT:

11 You are asking him to describe in general  
12 terms what it appeared to be?

13 MR. ALFORD:

14 Was it colored matter or white matter  
15 without saying what it is.

16 THE COURT:

17 He said it was red splotches.

18 MR. ALFORD:

19 What did you say, Officer?

20 THE WITNESS:

21 Red splotches.

22 THE COURT:

23 Did you have it analyzed by any medical  
24 team in Dallas?

25 THE WITNESS:

No, sir, I did not.

THE COURT:

I sustain the objection.

MR. ALCOCK:

Your Honor, can he testify as to whether  
or not he had seen similar splashes  
on any other occasion during his  
police duties?

THE COURT:

If you ask him that.

BY MR. ALFORD:

Q Officer, during the course of your police  
duties have you ever had occasion to come  
in contact and observe human blood?

A Yes, sir, I have.

Q On approximately how many occasions?

A Numerous occasions.

Q And did you also have an opportunity to observe  
what appeared to be on the front of your  
motorcycle?

A Yes, sir.

Q Did this appear to be consistent with human  
blood?

MR. DYMOND:

Object as that is asking for an opinion.

1 THE COURT:

54

2 That is what I ruled on a moment ago.

3 BY MR. ALFORD:

4 Q Did you have occasion to examine your uniform?

5 A Yes, sir, I did.

6 Q Did you have occasion to examine your police  
7 helmet?

8 A Yes, sir.

9 Q Did you notice anything unusual about either  
10 of these?

11 A Yes, sir, there was on my helmet, there was  
12 red splotches on it and to the left side  
13 of my uniform there was other matter, grey  
14 matter and I don't know what the matter  
15 was but as an officer I would say it was --

16 THE COURT:

17 If you didn't get it examined, Officer,  
18 that is as far as you can go.

19 BY MR. ALFORD:

20 Q During your experience as a police officer  
21 have you had occasion to see similar  
22 splotches?

23 A Yes, sir, I have.

24 Q Now, Officer, at the time you were at Love  
25 Field did you have occasion to examine

your motorcycle?

55

A Yes, sir, that morning that the President was coming in it had been raining earlier and City Hall is some 10 to 12 miles from Love Field and we had ridden our motorcycles and it had rained on them. When we arrived at Love Field and had lined up for the motorcade, the motorcade that I referred to before, it appeared that it wasn't going to rain any more so we folded our rain gear and placed it in our motor and we have shop rags we clean the equipment with and so I wiped my boots and the front of my motorcycle.

Q Were these splotches on your motorcycle or headgear at Love Field?

A No, sir, they was not.

MR. ALFORD:

Your Honor, at this time the State requests permission to show to this witness the Zapruder film for the purpose of this witness identifying himself in this film.

THE COURT:

Any objection?

1 MR. DYMOND:

56

2 Yes, Your Honor. The witness previously  
3 said where he was in relation to the  
4 Presidential limousine. He has  
5 identified himself on a picture that  
6 it a blowup of one of the frames of  
7 the Zapruder film and I think it is  
8 completely superfluous to reshow the  
9 Zapruder film.

10 MR. ALFORD:

11 I think because of the objection the State  
12 has a right to corroborate the  
13 witness on the matter we are seeking  
14 to elicit from him.

15 THE COURT:

16 I overrule your objection at this point.

17 MR. DYMOND:

18 Your Honor --

19 THE COURT:

20 I will overrule your objection,

21 Mr. Dymond.

22 MR. DYMOND:

23 To which ruling Counsel reserves a bill  
24 of exception making the request by  
25 the State to reshow the Zapruder

1 film; the Defense's objection to  
2 the Zapruder film itself, which is  
3 Exhibit S-37, the ruling of The  
4 Court on the testimony and the entire  
5 record up until this point together  
6 with The Court's ruling on voir dire  
7 that is that the Defense could not  
8 examine prospective jurors in  
9 connection with events in Dealey  
10 Plaza as parts of the bill.

11 MR. WILLIAM WEGMANN:

12 Isn't this also an attempt to rehabilitate  
13 their own witness again?

14 MR. OSER:

15 Rehabilitate?

16 MR. WILLIAM WEGMANN:

17 What other purpose would it have because  
18 he has told us where he was, that he  
19 was riding to the left of the  
20 limousine.

21 THE COURT:

22 I can't state it, but Mr. Wegmann I think  
23 you know why but I just can't state  
24 it in front of the Jury.

25 MR. WILLIAM WEGMANN:



1 I know why.

58

2 MR. OSER:

3 I know why too.

4 THE COURT:

5 Tell me when you are ready and I will tell  
6 them to douse the lights.

7 If people want to get over to  
8 that side of the courtroom that is  
9 all right, but I don't want to make  
10 it a circus.

11 MR. ALFORD:

12 Officer Martin, would you please step down  
13 here so you will be able to see.

14 THE COURT:

15 I might suggest that you play it in slow  
16 motion if you have such a device.

17 MR. ALFORD:

18 May I question the witness?

19 THE COURT:

20 Yes, sir, you certainly may.

21 BY MR. ALFORD:

22 Q Mr. Martin, I give you this marker and will  
23 you please approach the screen and point  
24 out your location in this picture if you  
25 can?

1 A I was operating right here and I was the Officer 59  
2 on the left.

3 Q A little louder.

4 A I was the Officer closest to the curb. This  
5 close I can't see it.

6 Q If you want to step back and see if you can  
7 locate it again.

8 A Here I am.

9 MR. DYMOND:

10 We object to this, Your Honor, of stopping  
11 on this film where there is no  
12 policeman at all in the picture and  
13 it's just for prejudicial purposes  
14 that Mr. Oser is doing that.

15 MR. OSER:

16 I may -- I can make my or show my evidence  
17 anywhere I care to.

18 MR. DYMOND:

19 You can see where the picture is stopped  
20 that there is no Officer at all and  
21 it's just for prejudicial purposes.

22 THE COURT:

23 Wait a minute, gentlemen, or you'll be  
24 screaming at each other like you are  
25 and you just don't make sense.

1 Mr. Wegmann, this is an exhibit and  
2 it is accepted in evidence and if  
3 they wish to stop on a particular  
4 frame they certainly have a legal  
5 right.

6 MR. WEGMANN:

7 I object to it being done strictly for  
8 prejudicial purposes.

9 THE COURT:

10 The objection is overruled.

11 MR. WEGMANN:

12 You overrule my objection?

13 THE COURT:

14 Please take the Jury out, Mr. Sheriff.

15 (JURY EXCLUDED.)

16 THE COURT:

17 The first thing I want to say is that  
18 gentlemen, you all have been practicing  
19 law long enough to know that the  
20 person who screams the loudest  
21 doesn't make them right.

22 I would appreciate when you have  
23 a legal objection raised to raise it  
24 properly and let's take it up in a  
25 judicious manner.

1           The Jury is not here and the  
2           Defense Counsel has objected to the  
3           State showing, they obviously wish  
4           to show this was tissue or brain  
5           matter from President Kennedy's skull  
6           and the witness isn't allowed to say  
7           it was blood but in my opinion the  
8           picture was to show that the, whatever  
9           it was that fell on the police  
10          officer's motorcycle and his uniform  
11          came from the head of  
12          President Kennedy because he can't  
13          say whether it's blood or matter you  
14          see. It is done not for the  
15          prejudicial purposes but to show  
16          by Officer Martin's testimony that  
17          this matter was from President  
18          Kennedy's head.

19                   Is that the reason?

20           MR. OSER:

21                   Yes, sir. The Court knows good and well  
22                   that it was not done for prejudicial  
23                   purposes. I have practiced too long  
24                   in this Court to do something like  
25                   that.

1 THE COURT:

62

2 As I understand, the Officer wants to  
3 show where he was following the car  
4 and this picture corroborates his  
5 testimony and it was done for  
6 purposes of explaining to him or to  
7 the Jury what came on his helmet or  
8 on the motorcycle came from  
9 President Kennedy's head.

10 MR. ALFORD:

11 Yes, Your Honor.

12 THE COURT:

13 It may be prejudicial but certainly it  
14 corroborates Officer Martin's  
15 testimony.

16 Let me caution you gentlemen  
17 that when one man is making an  
18 objection let him finish before you  
19 make your objection, otherwise the  
20 Reporter can't take two people at  
21 one time.

22 Bring the Jury back in.

23 (JURY RETURNED INTO OPEN COURT.)

24 THE COURT:

25 You want Mr. Martin to resume the stand?

1 MR. DYMOND:

2 We want to reserve our bill.

3 THE COURT:

4 You may reserve your bill.

5 MR. DYMOND:

6 At this time we want to object and reserve  
7 a bill of except to the action of the  
8 State and The Court in permitting  
9 the rerunning of the Zapruder film  
10 and the stopping of that film at  
11 precisely on Frame 313 when the  
12 avowed purposes for which the State  
13 again offered this film was to show  
14 the position of Officer Billy Joe  
15 Martin in his station on his  
16 motorcycle behind the Presidential  
17 limousine and to its left.

18 And further, in view of the fact  
19 that in Frame 313, which the film  
20 was stopped, Officer Martin is not  
21 even present in the picture nor  
22 visible.

23 I'd like to make parts of the  
24 bill the Defense's objection to this  
25

1 having been done, the overruling of  
2 The Court, the reasons stated for  
3 the objection for the Exhibit S-37,  
4 and the entire record and testimony  
5 up until this point in the case.

6 MR. OSER:

7 Can we put off the lights and I will ask  
8 Officer Martin to step back.

9 MR. DYMOND:

10 We are going to rerun the film again?

11 THE COURT:

12 You want to rerun it?

13 MR. DYMOND:

14 We just finished.

15 THE COURT:

16 You wish to rerun it?

17 MR. OSER:

18 Yes.

19 THE COURT:

20 You may do so because you broke up the  
21 other exhibition of the film.

22 MR. DYMOND:

23 We object now to another rerunning of the  
24 film which I think is the sixth  
25 time.

1 THE COURT:

65

2 They can run it a hundred times if they  
3 want.

4 MR. DYMOND:

5 May I reserve a bill of exception, 'cause  
6 you asked us not to interrupt each  
7 other -- making part of the bill  
8 the objection to the State Exhibit  
9 37, the request by the State to again  
10 rerun the film for the sixth time,  
11 Defense's objection to it together  
12 with the reasons therefor and the  
13 ruling of The Court and the entire  
14 record and testimony to this point.

15 THE COURT:

16 Let's get something straight. Do I  
17 understand, Mr. Alcock and Oser that  
18 you intend to stop on a particular  
19 frame?

20 MR. OSER:

21 No, no.

22 THE COURT:

23 Yes or no.

24 MR. OSER:

25 Just a moment please. Your Honor, it is



1 The State's intention to stop the picture  
2 on the last frame where Officer  
3 Martin was in the photograph.

4 THE COURT:

5 If you want to make an objection you can  
6 make it after the thing is over.

7 MR. OSER:

8 May I have the lights turned on so I can  
9 see where I am in the film,  
10 Your Honor?

11 THE COURT:

12 Very well, turn the lights on.

13 (EXHIBIT S-37, THE ZAPRUDER FILM  
14 WAS THEN SHOWN TO THE WITNESS AND  
15 JURY.)

16 BY MR. ALFORD:

17 Q Officer Martin, by viewing this portion of the  
18 film are you able to determine where you  
19 were located at this time?

20 A No, sir, I can't say 'cause I can't see my  
21 motor but what appears to be a red light  
22 but I can't identify that as my motor.

23 Q Can you now identify yourself?

24 A Yes, sir.

25 Q Would you please point to yourself?

1 A (The witness complies.)

67

2 Q Thank you, Officer. You may now return to the  
3 witness stand.

4 MR. OSER:

5 May I rewind the film, Your Honor.

6 THE COURT:

7 Yes.

8 MR. OSER:

9 Let the record reflect that we have

10 returned the film back over to The  
11 Court.

12 MR. OSER:

13 The State will now tender the witness,

14 Your Honor.

15 CROSS-EXAMINATION

16 BY MR. DYMOND:

17 Q Mr. Martin, did you testify before the Warren  
18 Commission?

19 A Yes, sir, I did.

20 Q And I assume your testimony is the same there  
21 as it is here, is it not?

22 A Yes, sir, most of the testimony but they asked  
23 me a few more questions.

24 Q Mr. Martin, when did you first learn that the  
25 President was going to visit Dallas?

1 A I don't recall, sir.

2 Q About how long before?

3 A I really don't know. It is almost so long.

4 - The first time I actually had knowledge  
5 of it would have been about 7:00 o'clock  
6 that morning when we made detail and they  
7 got up in front of the detail and said we  
8 will be at Love Field and we will meet  
9 there.

10 Q When were you informed of what the parade  
11 route would be?

12 A They informed us in detail of what the parade  
13 route would be.

14 Q That would be on the morning of the parade, is  
15 that right?

16 A Yes, sir.

17 MR. DYMOND:

18 That's all I have.

19 THE COURT:

20 Is Officer Martin released from his  
21 subpoena?

22 MR. OSER:

23 As far as the State, yes.

24 MR. DYMOND:

25 Yes.

1 MR. ALCOCK:

69

2 For this next witness we will need the  
3 rifle and may I go into your chambers  
4 and get the rifle?

5 THE CLERK:

6 I will get it for you.

7 ...ooo...

8 ROGER DRAIG,

9 a witness for the State, after first being duly  
10 sworn by the Minute Clerk, was examined and testified  
11 on his oath as follows:

12 DIRECT EXAMINATION

13 BY MR. ALCOCK:

14 Q For the record would you state your full name,  
15 please?

16 A Roger Dane Craig.

17 Q Mr. Draig, where do you reside?

18 A Dallas, Texas.

19 Q Were you residing in Dallas, Texas on November  
20 22, '63?

21 A Yes, sir, I was.

22 Q On that occasion by whom were you employed?

23 A Sheriff Bill Decker.

24 Q Were you a Sheriff's Deputy on that occasion?

25 A Yes, sir, I was.

1 Q How long had you been a Sheriff's Deputy on  
2 November 22, 1963?

3 A Four years.

4 Q Referring you again to the date of November 22,  
5 1963 where were you, where were you  
6 assigned on that day?

7 A I wasn't actually assigned anywhere but I was  
8 standing in front of the Record Building  
9 which was the Sheriff's Office at that  
10 time at 505 Main Street.

11 Q Did you have any specific duties relative to  
12 the incident now under discussion?

13 A No, sir, our assignment was to represent the  
14 Sheriff's Department by standing watching  
15 the crowd.

16 Q Were you in uniform on that day?

17 A No, sir, I was not.

18 Q Did you have occasion on that day to see the  
19 Presidential motorcade?

20 A Yes, sir, I did.

21 Q Where did you first observe the Presidential  
22 motorcade?

23 A In front of 505 Main Street.

24 Q I wonder if you could leave the witness stand  
25 and take this microphone and testify from

1 this location here.

71

2 Now I ask you to observe what has  
3 been marked for purposes of identification  
4 as State's Exhibit 34 and I ask you if  
5 you recognize the area depicted in that  
6 photograph, the whole photograph?

7 A The entire photograph?

8 Q Yes.

9 A Yes, it is Dealey Plaza.

10 Q Can you see on that photograph, Mr. Craig,  
11 where you were located when you first saw  
12 the Presidential motorcade?

13 A Yes, sir, I was standing in this area on Main  
14 Street facing Main.

15 Q Would you please place a "C" where you were  
16 located when you first saw the motorcade.  
17 Now this is an approximation?

18 A Yes.

19 Q Were you with anyone at this time?

20 A Not particularly. There were several people  
21 and there was, it was quite crowded.

22 Q Did you observe the motorcade proceed up Main  
23 to Houston Street?

24 A Yes, sir, it went to Houston Street and made a  
25 right turn.

1 Q Did you observe it after it made that right  
2 turn?

3 A No, it went out of my sight.

4 Q Did you ever again see the motorcade or did  
5 the motorcade ever again come into your  
6 view?

7 A No, it did not.

8 Q At about or shortly after the motorcade left  
9 your view did you hear anything unusual?

10 A A few seconds after it turned, one minute or  
11 one minute and a half after I heard a  
12 shot. I immediately ran towards Houston  
13 and ran down the sidewalk, and I ran  
14 across this part here and jumped through  
15 one of these openings and to the grass.  
16 Before I reached this corner the other  
17 two shots, before I reached the corner,  
18 in other words the shooting was over.

19 Q Approximately how far had you traveled from the  
20 time you first heard the first report and  
21 the time you heard the last two?

22 A I estimated probably 15 steps.

23 Q Were you walking or running?

24 A I was running.

25 Q Did you recognize these sounds as gunshots?

1 A Yes.

2 Q What did you do after you were running in the  
3 direction across here?

4 A After I went through this opening onto the  
5 grass, there were several people right  
6 in this area here and I checked with them  
7 to see if anybody was injured and they  
8 were not. At this time I saw a Dallas  
9 police officer running towards the picket  
10 fence and I followed him and went behind  
11 the fence and at this time there was a  
12 brown Chevrolet pulling out of the parking  
13 lot and I stopped it and took a woman from  
14 the car and turned her over to  
15 Detective Lumney Lewis who still works for  
16 the Sheriff's Department.

17 Q Spell that.

18 A L-U-M-N-E-Y Lewis.

19 Q Approximately where were you located at the  
20 time you turned this person over to the  
21 Deputy?

22 A At that time I was behind the picket fence.

23 Q Do you see that on the diagram?

24 A It is in this area right here behind this tree.

25 Q How did you get over the picket fence?



1 A I climbed it.

2 Q At the occasion when you were climbing it did  
3 you see anyone else?

4 A There were several officers and people were  
5 moving towards that direction from this  
6 area and after the woman was turned over  
7 to the Detectives I moved these people  
8 back.

9 Q Were they uniformed officers?

10 A Some of them were and some officers I knew.

11 Q They were out of uniform?

12 A Yes.

13 Q But you recognized them?

14 A Yes.

15 Q What if anything did you do in the area of the  
16 picket fence?

17 A Nothing. I came from behind the picket fence  
18 and began to ask these people in this area  
19 if they had seen anything that might help  
20 us in the investigation.

21 Q And after you did that what if anything did  
22 you do?

23 A After talking to a couple of people I turned  
24 them over to Lunny Lewis and he took  
25 them to the Sheriff's Office. Then I

1           crossed Elm Street to look for any marks  
2           on the curb on the south side where a  
3           bullet or projectile might have hit.

4    Q     Then what did you do?

5    A     As I was looking I heard a shrill whistle and  
6           I stood up and looked around and saw a  
7           man running down this part of the grass  
8           coming down here, with a light green  
9           Rambler station wagon with a chrome luggage  
10          rack on the top was proceeding along here.

11   Q     What did you see if anything?

12   A     The driver of the car was looking up at the  
13          man running down toward him and then the  
14          two became parallel and the car stopped  
15          and the man jumped in and then it drove  
16          off. I attempted to stop the car but the  
17          officer had left his post at Elm and  
18          Houston and traffic was flowing and I was  
19          in the middle lane and I couldn't get  
20          across the street to the station wagon.

21   Q     Was the traffic flowing on that street at the  
22          time?

23   A     Yes, it was.

24   Q     Can you describe the station wagon in any great  
25          detail?

1 A It was a light green Rambler station wagon with 76  
2 the luggage rack on the back portion and  
3 it had out-of-State plates on it and the  
4 reason I know this is they were not the  
5 same color as ours and I couldn't read them  
6 because of the angle of the car and the  
7 traffic movement.

8 Q Did you have occasion to observe the individual  
9 or individuals in the station wagon?

10 A Yes, sir, I did. I saw the upper portion of  
11 the body and the entire head.

12 Q How many persons were in the station wagon?

13 A One.

14 Q Could you give us a description of that  
15 individual?

16 A Very dark complected, Latin-looking with black  
17 hair. He was very muscular, had a bull  
18 neck and very strong face.

19 Q Can you describe the individual running down  
20 the slope and the individual that got in  
21 the station wagon?

22 A Yes, he looked to me oh, approximately 5 foot 9,  
23 150 pounds, sandy hair, Caucasian.

24 MR. ALCOCK:

25 You want to take the stand again.

1 Mr. Craig?

77

2 BY MR. ALCOCK:

3 Q Did you see in what direction the station wagon  
4 went after the individual running down the  
5 slope got in?

6 A It traveled west on Elm Street.

7 Q That would be towards the Triple Underpass?

8 A Yes, towards the Triple Underpass.

9 Q Did you have occasion Mr. Craig, to see the  
10 individual that you saw running down the  
11 slope and getting in the station wagon,  
12 did you have occasion to see him again on  
13 that day?

14 A Yes, later that evening.

15 Q Where did you see him?

16 A At Captain Will Fritz's Office who is Captain  
17 of Homicide & Robbery in the Dallas Police  
18 Department.

19 Q What were you doing up there on that occasion?

20 A I was filling out a report after the  
21 assassination in my office and of course  
22 I had known about the officer being killed  
23 and I possibly in my mind possibly tied  
24 the two together and I called  
25 Captain Fritz and gave him a description

1 of the man I saw running down the grassy  
2 knoll and he said "That sounds like --

3 MR. DYMOND:

4 I object, Your Honor.

5 THE COURT:

6 You can't say what he said, Mr. Craig.

7 BY MR. ALCOCK:

8 Q As a result of this telephone conversation did  
9 you have occasion to view anyone?

10 A Yes, sir, I went to Police Headquarters.

11 Q Did you recognize anyone at Police Headquarters?

12 A Yes, sir, in Captain Fritz's office the same  
13 man that I had seen running down the  
14 hill.

15 Q Who was in Captain Fritz's Office at the time  
16 you saw the individual?

17 A There were two men in the office. The one  
18 seating to the left as I walked in I  
19 didn't know, and he was in a business suit  
20 with a white Stetson hat and I assumed he  
21 was one of Captain Fritz's men and the  
22 other man was Lee Harvey Oswald.

23 Q Now I show you what has been marked for  
24 purposes of identification as State  
25 Exhibit 1 and I ask you if you recognize

the person depicted in this picture?

79

A Yes, sir, that is the man I saw in  
Captain Fritz's Office.

Q Is this the man you saw running down the slope?

A Yes, it is.

Q The one that got in the station wagon?

A Yes.

Q And who is the individual depicted in this  
picture?

A Lee Harvey Oswald.

Q Did you have occasion to go into Captain Fritz's  
Office at the time Lee Harvey Oswald was  
in there?

A Yes, sir, Captain Fritz showed me into his  
office where the two gentlemen were sit-  
ting.

Q Did you have occasion to confront or speak to  
Lee Harvey Oswald on this occasion?

A I did not, Captain Fritz did.

Q Were you there when he made any responses to  
anything Captain Fritz asked him?

A Yes, I was.

Q What did he say?

A Captain Fritz, this man was --

MR. DYMOND:

I object to what Captain Fritz said.

THE COURT:

You can't say what Captain Fritz said but  
just what Lee Harvey Oswald said.

THE WITNESS:

I made an identification of Lee Harvey  
Oswald as the same man I saw running  
down the grassy knoll.

BY MR. ALCOCK:

Q What if anything did he say?

A He said "I told you people I did."

MR. DYMOND:

What?

THE WITNESS:

"I told you people I did."

BY MR. ALCOCK:

Q Did he say anything else?

A Yes.

Q What was that?

A I can't testify in answer to Captain Fritz's  
comments 'cause it was in response --

Q I am afraid you can't give us what Captain  
Fritz said 'cause that would be hearsay  
but what if anything did Lee Harvey  
Oswald respond to the question of

1 of Captain Fritz?

81

2 A He said that the station wagon belonged to  
3 Mrs. Paine, but "Don't try to drag her  
4 in this."

5 Q Did he make any other responses?

6 A He leaned back in his chair and said "Everybody  
7 will know who I am now."

8 Q Did you hear him say anything else on this  
9 occasion?

10 A No, sir, I did not.

11 Q How long did you stay in the office?

12 A Approximately ten minutes.

13 Q Did you have occasion to see Lee Harvey Oswald  
14 at any time subsequent to this?

15 A Not in person.

16 Q Now Officer Craig, after observing this incident  
17 wherein you described Lee Harvey Oswald  
18 getting in a station wagon, did you have  
19 anything else, or do anything else, at  
20 Dealey Plaza before going to the  
21 Sheriff's Office?

22 A Yes, sir, I went to the School Book Depository,  
23 went to the Depository and asked for  
24 anyone who was connected with the  
25 investigation so I could turn my



1 information over to them.

2 Q Did you turn your information over to anyone?

3 A I did.

4 Q And subsequent to that what if anything did you  
5 do in connection with the investigation  
6 at the Depository?

7 A I went from there to the sixth floor to help in  
8 the search.

9 Q While you were on the sixth floor and in your  
10 presence was any rifle found?

11 A Yes.

12 Q And did you personally find the rifle?

13 A No, sir, I did not but I was about eight feet  
14 from the gentleman that found it.

15 Q Did you ever get closer to the gentleman hold-  
16 ing the rifle?

17 A Yes, sir, I did.

18 Q Approximately how far?

19 A About one foot or one and a half foot. I was  
20 standing next to him.

21 Q Do you recall the man who was there?

22 A No, ~~he~~ was an ID man from the Dallas Police  
23 Department, however, he did not find the  
24 rifle, Eugene Boone, a Deputy Sheriff,  
25 he found the rifle.

1 Q What do you mean an ID man?

2 A An identification man from the Dallas Police  
3 Department.

4 Q Approximately how long did you view the rifle  
5 at this time?

6 A Just two or three minutes. They took it away  
7 immediately, they held it up by the strap  
8 and then took it away from there.

9 Q Officer Craig, I am going to show you -- I  
10 mean Mr. Craig, I'm going to show you what  
11 has been marked for purposes of identifica-  
12 tion as State's Exhibit 18 and ask you if  
13 you have seen this rifle or a similar  
14 rifle at any time?

15 A The rifle found was similar to this one with  
16 the exception it had a strap connected  
17 to it.

18 Q Officer Craig, were you able to observe the  
19 location that the rifle was found in?

20 A Yes.

21 Q Where was that?

22 A In the northeast corner of the sixth floor there  
23 was a stack of boxes approximately five  
24 feet high and they were stacked in a square  
25 and in the middle of the square was a hole

and the rifle was in this hole.

84

Q Mr. Craig, were you able to determine from what direction the reports or sounds you heard in Dealey Plaza emanated from on that day?

A Not exactly. It was to my right and around the corner because I was on Main Street.

Q Can you indicated Officer Craig, by perhaps slapping here the interval between the shots you heard on that day?

A Yes, the first shot was (tap) and then they came like this, there was a pause and then (tap, tap).

Q Now, Mr. Craig, you have indicated that this man was running down the slope, was this the grassy knoll or in some other area?

A The slope I am talking about is the portion of the grass directly in the front of the vicinity of the School Book Depository.

Q And you identified this man as Lee Harvey Oswald?

A Yes, I did.

Q Officer Craig -- strike that -- Mr. Craig, rather, did you have occasion to observe the corner window in the sixth floor of the Book Depository when you were up there

1 with your brother officers looking for  
2 possible evidence?

3 A Yes, sir, I did.

4 Q Can you approximate for us at this time how  
5 high that window was raised, if it was  
6 raised at all?

7 A Yes, it was raised and level with the bottom  
8 part of the top, if you know what I mean,  
9 in other words, the two were level.

10 Q Mr. Craig, can you indicate or tell us whether  
11 or not the window went to the floor or did  
12 it begin at some point above the floor?

13 A No, it began I would say probably three feet  
14 above the floor, the base of the window.

15 Q Did you notice any objects around this window  
16 at the time you observed it?

17 A Yes.

18 Q What were these?

19 A Three spent cartridges, a sack with some  
20 chicken bones in it --

21 Q Anything else?

22 A No, there were some pasteboard boxes stacked up  
23 in front of it.

24 Q How do you mean "stacked up in front"?

25 A I believe three boxes were stacked on top of

each other by the window.

86

Q Can you approximate for us the size of these boxes?

A Probably I would say probably 18 inches square.

Q Were they stacked one on top of the other?

A Yes.

Q In this position, that is stacked one on top of the other, would that reach, that is these boxes, would they reach the top of the window?

A Almost, yes.

Q Now can you demonstrate perhaps with your hands approximately how high this window was open?

A How high?

Q How wide the window was opened when you observed it, can you approximate with your hands?

A Yes, I would say probably like that (indicating).

Q Now, Mr. Craig, how far was that from the floor, can you give us an approximation again with your hands as to how far the lower part of the open window was from the floor?

A You mean the window sill itself?

Q The window sill.

1 A I would probably about like that (indicating).

2 Q Mr. Craig, are you presently with the

3 Sheriff's Department in Dallas, Texas?

4 A No, I am not.

5 Q When did you leave the Sheriff's Office?

6 A July 4, 1967.

7 Q And what rank had you obtained when you left  
8 the Sheriff's Department?

9 A It was the equivalent of Desk Sergeant.

10 Q And prior to the date of November 22, 1963 had  
11 you received any award from the Police  
12 Department?

13 MR. DYMOND:

14 I object to that as being irrelevant.

15 THE COURT:

16 I sustain the objection.

17 MR. ALCOCK:

18 I tender the witness.

19 MR. DYMOND:

20 May we request a five-minute recess at  
21 this time before starting our  
22 cross-examination?

23 THE COURT:

24 Yes.

25 (RECESS.)

1 THE COURT:

88

2 Is the State and Defense ready to proceed?

3 MR. DYMOND:

4 Yes.

5 MR. ALCOCK:

6 Yes.

7 THE COURT:

8 I believe the witness has been tendered  
9 for cross-examination.

10 CROSS-EXAMINATION

11 BY MR. DYMOND:

12 Q Mr. Craig, you have told this same story to  
13 the Warren Report, have you not?

14 A Not to the Commission itself, to one of their  
15 attorneys.

16 Q To one of their investigators or attorneys for  
17 the Warren Commission, is that right?

18 A Yes, sir.

19 Q Now approximately how long had the motorcade  
20 been gone from Elm Street when you saw  
21 this station wagon pull up and the man get  
22 in?

23 A From the time of the shooting, 12 to 15  
24 minutes.

25 Q Was there a lot of traffic along there at that

1 time?

2 A It was at the time the station wagon pulled up,  
3 yes, sir.

4 Q There were automobiles behind the station wagon?

5 A Not in that lane, they were in the middle lane  
6 and south lane.

7 Q Were you suspicious of these two men when you  
8 saw them or not?

9 A Yes, sir, I was.

10 Q Well, why didn't you commandeer an automobile  
11 and go after them?

12 A I couldn't get one.

13 Q You were a law enforcement officer.

14 A I am trying to cross the street and about to  
15 get run over and I couldn't and I had to  
16 retreat to the south side.

17 Q And you didn't follow up when you could get a  
18 car?

19 A No, sir, it was too late in my mind.

20 Q Mr. Craig, when did you come to New Orleans  
21 after the assassination, that is to live?

22 A I came down here in December, I believe, of  
23 '67. no, '68. I'm sorry, no, '67.

24 Q Isn't it a fact at that time you went to work  
25 for Mr. Willard Robinson who is a member



1 of Truth & Consequence?

90

2 A I don't know who is a member but it is  
3 Volkswagen International.

4 Q And Willard Robinson is your boss?

5 A Yes.

6 Q Is it not also a fact you were working there  
7 under an assumed name?

8 A No, that is not a fact.

9 Q What name were you working under?

10 A Roger Craig.

11 Q You never did work or live under an assumed  
12 name?

13 A No, sir, I never did work under an assumed  
14 name.

15 MR. DYMOND:

16 That's all I have.

17 THE COURT:

18 Mr. Craig is released from the effects of  
19 this subpoena?

20 MR. ALCOCK:

21 Yes, sir.

22 ....ooo...

23 MRS. ELIZABETH CAROLYN WALTON,

24 a witness for the State, after first being duly  
25 sworn by the Minute Clerk, was examined and testified

1 on her oath as follows:

91

2 DIRECT EXAMINATION

3 BY MR. OSER:

4 Q State your name for the record.

5 A Mrs. Elizabeth Carolyn Walton.

6 Q Where do you reside, Mrs. Walton?

7 A In Dallas, Texas.

8 Q How long have you been a resident of Dallas?

9 A About 17 years.

10 Q Mrs. Walton, on the date of November 22, 1963

11 did you have occasion to be in what is  
12 commonly called Dealey Plaza in Dallas,  
13 Texas?

14 A Yes, I did.

15 Q What was your primary reason for being in  
16 Dealey Plaza?

17 A To see President Kennedy.

18 Q Were you working at this time?

19 A Yes, in the Daltex Market Building.

20 Q Is this located in Dealey Plaza?

21 A Yes, sir, it is.

22 Q At approximately noon that day or sometime  
23 around that hour did you have occasion to  
24 leave the Daltex Building and go anywhere?

25 A I went out in the street to see the President.

Q And what position did you take on what street  
to view the Presidential Motorcade?

A I was on Houston just off of the corner of  
Elm by the Records Building.

Q Mrs. Walton, step down here for a moment, please.  
Mrs. Walton, I direct your attention to  
State Exhibit No. -- S-34, and ask you if  
this, on this exhibit --

THE COURT:

Why not let her stand over here so that  
the Jury can see what she is doing?

BY MR. OSER:

Q Using State Exhibit 34 I ask you whether or not  
you can point out on that exhibit where  
the Daltex Building is located?

A To the extreme right.

Q Just speak into the microphone. Up in the  
right corner.

Q This Daltex Building, is this the building you  
were working at at this time?

A Yes, sir.

Q Can you show us on this exhibit what position  
you first took up to view the Presidential  
motorcade?

A I was right on this corner.

1 Q I now direct your attention, Mrs. Walton, to  
2 Exhibit State 36 to your left over here  
3 and ask you to view this exhibit and take  
4 this pin and place it in the approximate  
5 location you were standing on Houston  
6 Street at the time you viewed the  
7 Presidential motorcade.

8 A Use the same here?

9 Q Yes, ma'am. Now, Mrs. Walton, I ask you to  
10 step over to State Exhibit 36 and ask you  
11 to locate your position that you were  
12 standing at during the President's motor-  
13 cade and place this emblem in the location  
14 you were standing at that time. You may  
15 resume your seat. Now at the time you  
16 were standing in the position you  
17 indicated on Houston Street had the  
18 President's motorcade passed yet?

19 A No.

20 Q At this particular time did you have occasion  
21 to view anything that caught your  
22 attention?

23 A Yes, I had ten or fifteen minutes to look  
24 around.

25 Q Speak a little louder.

- 1 A We had ten to fifteen minutes to wait.
- 2 Q You say "we," were you with someone else?
- 3 A Yes, a friend.
- 4 Q During this time was your attention drawn to
- 5 anything in particular?
- 6 A Well, we looked at the Daltex Market Building
- 7 and the School Book Depository.
- 8 Q When you viewed the Texas School Book
- 9 Depository did anything appear unusual to
- 10 you?
- 11 A Yes, sir, the windows were open and that was
- 12 the first I'd ever seen them open.
- 13 Q When viewing these windows did you have
- 14 occasion to see anything?
- 15 A Yes, sir.
- 16 Q Tell the Gentlemen of the Court and the
- 17 Gentlemen of the Jury what you saw.
- 18 A The first time I looked I saw a man I think
- 19 wearing a maroon shirt in the center of
- 20 the building. The first time I looked
- 21 at the building I saw a man I think in a
- 22 maroon shirt in the center of the build-
- 23 ing stand up and later on I saw two men
- 24 in another building and one was holding a
- 25 gun and the other was standing beside him.

1 Q Can you describe how the two men were dressed  
2 as you saw them?

3 A The man wearing the gun I think was wearing a  
4 white shirt, I'm not sure.

5 Q How was the other man dressed?

6 A A brown suit coat.

7 Q Did anything draw your attention away from  
8 this building?

9 A Yes, the crowd started hollering that the  
10 motorcade was coming and I turned and  
11 looked the other way.

12 Q Did in fact the motorcade pass in front of you  
13 at this time?

14 A Yes, it did.

15 Q While the motorcade was passing in front of  
16 you did you have occasion to hear any  
17 unusual noises?

18 A Yes, sir.

19 Q How many did you hear?

20 A All together I heard four.

21 Q At the time of the first noise what did that  
22 noise sound like to you?

23 A It was a loud popping sound and I thought it  
24 was just a firecracker.

25 Q Where were you located at the time you first

1 heard the noise?

96

2 A Still standing in the same position.

3 Q And where was the President's car?

4 A It had already passed the, the last car was  
5 passing in front of me when I heard the  
6 first shot.

7 Q What did you then do?

8 A I started walking back towards my building.

9 Q In what point in walking back to your building,  
10 walking back to the Daltex Building did  
11 you hear any other noise?

12 A Yes, sir.

13 Q Where were you located?

14 A The second one I was just stepping off the  
15 curb.

16 Q And where were you when you heard the third  
17 one?

18 A Almost to the center of the street.

19 Q And where were you when you heard the fourth  
20 one?

21 A In the center of the street.

22 Q What did the second shot sound like to you?

23 A It sounded just like the first one.

24 Q And what about the third one?

25 A The same.

1 Q And what about the fourth?

2 A A little lower.

3 Q The first three were of the same intensity and  
4 the fourth was a little lower?

5 A Yes.

6 Q After hearing these four noises what if any-  
7 thing did you do?

8 A I stopped and said "That is gunshots."

9 Q What did you do?

10 A I started down the side on Elm Street and  
11 people were running and screaming.

12 Q Would you step down one more time, Mrs. Walton  
13 and using the aerial photograph show which  
14 way you walked and which way were the  
15 people moving?

16 A Yes, sir.

17 Q First of all, which way did you walk? Stand  
18 on the side and point.

19 A Down this way.

20 Q Which way were the people moving?

21 A This way.

22 Q Have your seat back, Mrs. Walton. At the time  
23 you heard these noises and you were in  
24 this vicinity did you have any impression  
25 as to where the shots were coming from at



1 the time you heard them?

98

2 A Somewhere from my right, possibly to the front  
3 right.

4 MR. OSER:

5 I tender the witness.

6 CROSS-EXAMINATION

7 BY MR. DYMOND:

8 Q Mrs. Walton, where were you standing when you  
9 got this impression that the shots were  
10 coming from your right?

11 A In the same position I indicated on the map.

12 Q That would be right there by the Texas --  
13 by the Daltex Building, across the street?

14 A Across the street by the Records Building.

15 Q Were you facing towards the Triple Underpass?

16 A Yes, sir.

17 Q The Book Depository would have been on your  
18 right, is that correct?

19 A Yes, sir.

20 Q Were you standing on that corner when you heard  
21 all four shots?

22 A No, sir, I wasn't standing there for all four  
23 shots.

24 Q You heard -- you had already started walking,  
25 is that correct?

1 A Yes.

2 Q And had you started walking towards the Triple  
3 Underpass or the other way?

4 A I started back towards the Daltex Market  
5 Building across Elm.

6 Q Have you ever been interviewed by any repre-  
7 sentative of the Warren Commission?

8 A No, sir, I have not.

9 Q Did you volunteer your information?

10 A To the FBI I did.

11 Q Did you give them a statement?

12 A Yes, sir.

13 Q Do you ordinarily wear glasses, Mrs. Walton?

14 A No, sir, I do not.

15 MR. DYMOND:

16 That's all.

17 MR. ALCOCK:

18 Your Honor, I haven't been requesting of  
19 The Court that the Jury be allowed  
20 to view the exhibits. At this time  
21 I think it would be appropriate for  
22 the Jury to review what was  
23 introduced in the first part of the  
24 trial and I request The Court's  
25 permission to do that.

1 THE COURT:

2 I suggest you give a group to one and then  
3 another group to another so that we  
4 can facilitate it and one group can  
5 be looking at it while the other  
6 group looks at the other group.

7 (EXHIBITS GIVEN TO THE JURY TO  
8 EXAMINE.)

9 THE COURT:

10 At any time during the course of the trial  
11 if any member of the fourteen wishes  
12 to examine any exhibit it will be  
13 given to him.

14 Gentlemen, I have been advised  
15 by the State that the weather  
16 conditions have delayed the plane  
17 from arriving and we are going to  
18 recess at this moment until tomorrow  
19 morning.

20 Gentlemen: Do not discuss the  
21 case amongst yourselves or anyone  
22 else until it is finally turned over  
23 to you for your decision.

24 ... At the hour of 5:05 p.m. the Court recessed  
25 until 10:00 a.m. Saturday, February 15, 1969.

C E R T I F I C A T E

I, CHARLES A. NEYREY, an Official Court Reporter in and for the State of Louisiana, authorized and empowered by law to administer oaths and to take the depositions of witnesses under L.R.S. 13:961.1, as amended, do hereby certify that the above and foregoing deposition is true and correct as taken by me in the above entitled and numbered cause(s).

I further certify that I am not of counsel nor related to any of the parties to this cause or in anywise interested in the event thereof.

New Orleans, Louisiana, on the *11<sup>th</sup>* day  
of *May*, 1969.

*Charles A. Neyrey*  
\_\_\_\_\_  
CHARLES A. NEYREY  
OFFICIAL COURT REPORTER  
STATE OF LOUISIANA.



## CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

STATE OF LOUISIANA

versus

CLAY L. SHAW

NO. 198-059

1426(30)

SECTION "C"

*Testimony of:*  
*James Simmons*  
*Francis Newman*  
*Mary Moorman*

PROCEEDINGS in Open Court on

Saturday, February 15, 1969,

B E F O R E :

HONORABLE EDWARD A. HAGGERTY, JR.

JUDGE, SECTION C

Dietrich & Pickett, Inc.  
*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130-522-3111

Reference copy, JFK Collection: HSCA (RG 233)

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I N D E X

1

WITNESS	DIRECT	CROSS	RE-DIRECT
JAMES SIMMONS	2	12	18
MRS. FRANCES G. NEWMAN	19	28	
MRS. MARY MOORMAN	33		

MORNING SESSION

MR. DYMOND:

Your Honor, before the Jury comes in we will ask that an instanta subpoena issue for Mr. Robert Frazier.

THE COURT:

Do you have the address?

MR. DYMOND:

He is in the building and the Sheriff can go with Mr. Wegmann to serve him.

THE COURT:

Is the State and Defense ready to proceed?

MR. OSER:

Yes, sir.

MR. WEGMANN:

Yes, sir.

...oOo...

JAMES L. SIMMONS,

a witness for the State, after first being duly sworn by the Minute Clerk, was examined and testified on his oath as follows:

DIRECT EXAMINATION

BY MR. OSER:

Q State your name for the record, please.

State your name please.



1 A James L. Simmons. 3

2 Q Where do you live, Mr. Simmons?

3 A Mesquite, Texas.

4 Q I can't hear you.

5 A Mesquite, Texas.

6 Q During November 1963, Mr. Simmons, by whom were  
7 you employed?

8 A By the Union Terminal Railway Company.

9 Q Where is that located?

10 A In Dallas.

11 Q At the present time by whom are you employed?

12 A By the Post Office.

13 Q Now I direct your attention to the day of  
14 November 22, 1963 and ask you if you were  
15 at work on that particular day in Dallas?

16 MR. DYMOND:

17 If The Court please, once again I object  
18 to any testimony of this witness and  
19 questioning in particular on the  
20 grounds of immaterial issues.

21 THE COURT:

22 The objection is overruled.

23 MR. DYMOND:

24 To which ruling of The Court respectfully  
25 object and reserve a bill making the

1 question propounded, the objection and the 4  
2 reason for it and the ruling of The  
3 Court and the entire testimony up to  
4 this point, including the testimony of  
5 this witness, part of the bill.

6 BY MR. OSER:

7 Q Were you at work on that particular day?

8 A Yes, sir.

9 Q Did you have occasion, Mr. Simmons, to go on the  
10 day of November 22 to the area commonly  
11 known as Dealey Plaza in Dallas?

12 A Yes, I was in the area.

13 Q Approximately noon that day in what area of  
14 Dealey Plaza were you located?

15 A Standing on top the Triple Overpass.

16 Q Who were you with, sir?

17 A There was around ten or eleven of us there.

18 Q You and some fellow employees of the Terminal  
19 Building?

20 A Fellow employees.

21 Q The place of employment, Union Terminal  
22 Building, is this close to the overpass by  
23 Dealey Plaza?

24 A Yes, sir, very close.

25 Q Mr. Simmons, I ask you to step down and I direct

1 your attention to State Exhibit 34 and I 5  
2 ask you if you can point out on this  
3 photograph your location and your position  
4 that you were on on November 22, 1963, if  
5 you would, please?

6 THE COURT:

7 Step to the side, please.

8 THE WITNESS:

9 I was standing approximately in this  
10 position here.

11 THE COURT:

12 Mr. Oser, unless the Jury can hear the  
13 witness --

14 MR. OSER:

15 Your Honor, the gentleman has the  
16 microphone.

17 THE COURT:

18 We well can't hear him.

19 THE WITNESS:

20 All right. I was standing approximately in  
21 this position here.

22 BY MR. OSER:

23 Q Now I direct your attention to State Exhibit 36  
24 and ask you if you can locate your  
25 position on this particular diagram scene

1 and then I ask you to place this marker,  
2 this pin in the position.

3 A In this position.

4 Q Now I direct your attention to State Exhibit 35  
5 and ask you if you can locate your  
6 position on this particular exhibit?

7 A Yes, sir, I was standing in this position along  
8 this rail.

9 Q I give you an emblem and ask you to place that  
10 in the position you were in on that  
11 particular day. You may have your seat  
12 back.

13 Now while you were in this position,  
14 Mr. Simmons, did you have occasion to see  
15 the Presidential motorcade?

16 A Yes, sir, I did.

17 Q Where was the Presidential motorcade when you  
18 first saw it approaching you?

19 A When I first saw it it had just turned the  
20 corner by the School Book Depository.

21 Q Would that be making its turn on Elm Street?

22 A Yes, sir, -- no, pardon. When I first saw it  
23 it came down Main and turned by the old  
24 court house.

25 Q At the time the motorcade was passing did you

1 hear any unusual noises? 7

2 A Yes, sir, I heard three loud reports I presumed  
3 to be shots.

4 Q Where was the President's car or limousine at  
5 the time that you heard the first shot,  
6 approximately?

7 A It had, it was about one-third of the way or  
8 maybe half-way between the Depository and  
9 the Overpass.

10 Q Did you have a clear unobstructed view of this  
11 scene?

12 A Yes, sir.

13 Q Can you tell us what reaction if any President  
14 Kennedy had to this first shot, as you saw  
15 it?

16 A Well, I don't remember exactly -- it was between  
17 the first or second or thereabouts and he  
18 turned to his left and threw his hands up.

19 Q At the time of the third shot that you heard  
20 can you describe what President Kennedy's  
21 reaction was at that time as you saw it?

22 A Well, he fell and there was matter and a halo  
23 of blood.

24 Q Which way did he fall?

25 A To his left.

1 Q What did the limousine do then?

2 A It paused and then accelerated real fast after  
3 the motorcycle got out the way.

4 Q Did it go under the Triple Overpass?

5 A Yes, sir, went directly under us.

6 Q It went under you because you were standing on  
7 the overpass?

8 A Yes, sir.

9 Q At the time you saw this red halo, what did that  
10 appear to you to be?

11 A To the left side of his head.

12 Q Can you tell us what direction this went in,  
13 this matter?

14 A It went over the side of the car.

15 Q Which side of the car?

16 A The left side.

17 Q Now at the time you heard the second and third  
18 shot did you notice anything unusual in the  
19 area of the grassy knoll?

20 A Well, after I heard the shots I looked to see if  
21 I could see where they were coming from and  
22 underneath the trees up on the grassy  
23 knoll by the fence I detected what appeared  
24 to be a puff of smoke or whisp of smoke.

25 Q From which direction did these noises appear to

1                   come from?

9

2     A     In front and the left.

3     Q     Were -- Will you step down and point out on the  
4           aerial photograph the location in which you  
5           heard the shots coming from and the area  
6           in which you saw the puff of smoke?

7     A     I was facing this way and the sound appeared to  
8           come from this general direction over along  
9           here, and there is a row of trees along the  
10          fence and towards the end of the fence  
11          there is a small building and just this  
12          side of it a few feet is where I saw the  
13          smoke.

14    Q     Will you step back, please. After having heard  
15           these shots and seeing a puff of smoke, what  
16           if anything did you do?

17    A     I went around -- there is a fence like I say  
18           here, and I went around the railing on top  
19           the overpass and walked around behind the  
20           fence.

21    Q     And when you got behind the fence did you see  
22           anything unusual to you?

23    A     Well, I was one of the first ones there and uh,  
24           when we got there there was no one there  
25           but it had rained that morning and there

1                   were several footprints back and forth  
2                   along the fence.

10

3       Q       What drew your attention to these particular  
4                   footprints, Mr. Simmons?

5       A       Well, 'cause there were so many of them.

6       Q       Did you see any footprints in any other area but  
7                   this area?

8       A       On the fence, on the fence. On the fence there  
9                   was a wooden brace or rail and there were  
10                  muddy footprints on it.

11      Q       Mr. Simmons, would you come down here and using  
12                  State 36, the map, show the Gentlemen  
13                  of the Jury and The Court, the route you  
14                  took after you heard the shots and saw the  
15                  puff of smoke, at approximately what area  
16                  behind the picket fence you saw these  
17                  footprints?

18      A       Yes, sir. As I stated, I was standing here and  
19                  after the shots we walked around this  
20                  fence and there were footprints all along  
21                  behind the fence.

22      Q       Show us also on the aerial photograph the route  
23                  you took.

24      A       From here around behind the fence over to the  
25                  little building.



1 Q Have your seat back now, sir. Mr. Simmons, 11  
2 while you were up on the Triple Overpass  
3 at the time of the shots, did you see any  
4 effects of any shots other than what  
5 happened?

6 A I actually didn't see any, I heard it.

7 Q Did you see any effects of any shots in this  
8 area?

9 A I saw the effects when it hit the President.

10 Q Did you see any of the shots hit anything else  
11 in Dealey Plaza?

12 A It looked as though one might have hit the  
13 pavement.

14 Q Could you show us using the aerial photograph  
15 what area of the pavement you saw it hit?

16 MR. DYMOND:

17 I object as he stated it "might have hit  
18 the pavement." Counsel has asked the  
19 witness as if it did.

20 MR. OSER:

21 Do you know of your own knowledge where  
22 this bullet hit?

23 MR. DYMOND:

24 I object to your saying it because he said  
25 it looked as though one might have and

1 then he was interrupted.

12

2 THE COURT:

3 I will ask the Stenographer to read the  
4 question back.

5 THE REPORTER:

6 Question: "Did you see any of the shots  
7 hit anything else in Dealey Plaza?"

8 Answer: "It looked as though one might  
9 have hit the pavement."

10 MR. DYMOND:

11 It doesn't say any bullet hit.

12 BY MR. OSER:

13 Q Step down and use the aerial photograph and show  
14 us what area in Dealey Plaza you saw the  
15 effects of one of the shots appear to you  
16 to hit.

17 A On the street curb in this general area  
18 (indicating).

19 MR. OSER:

20 I tender the witness.

21 CROSS-EXAMINATION

22 BY MR. DYMOND:

23 Q Mr. Simmons, about how long after the last shot  
24 would you say you went back in the parking  
25 lot area behind the fence?

1 A Immediately.

2 Q Immediately, and about how long did you stay  
3 back there?

4 A We were back there several minutes.

5 Q Could you tell us about how many?

6 A I would say 15 or 20 minutes.

7 Q 15 or 20 minutes and did you see any arrests  
8 made back there?

9 A No, sir, I don't recall.

10 Q Approximately how many cars were parked in that  
11 area at that time?

12 A Well, it is a parking lot and it was pretty well  
13 filled with cars but I don't know approxi-  
14 mately how many.

15 Q Do you know a person who used to be a Deputy  
16 Sheriff in Dallas, Texas by the name of  
17 Roger Craig?

18 A No, sir.

19 MR. DYMOND:

20 If The Court please, if Mr. Craig is in the  
21 courtroom I will ask him to stand up.

22 THE COURT:

23 Stand up, Mr. Craig. Would you like to  
24 have him come forward?

25 MR. DYMOND:

1 Yes.

2 THE COURT:

3 Step forward, Mr. Craig.

4 MR. DYMOND:

5 Come over in this general area. You may  
6 have a seat back there again.

7 BY MR. DYMOND:

8 Q Did you see that gentleman, Mr. Simmons?

9 A There were so many people back there I don't  
10 recall his face.

11 Q Did you see him or anyone else arrest a woman  
12 in the parking lot at that time?

13 A No, sir, I didn't.

14 Q Did you see anybody detained by anyone that  
15 appeared to be a law enforcement officer  
16 at that time?

17 A No, sir.

18 Q Now, Mr. Simmons, measured in feet approximately  
19 how far were you from your point of vantage  
20 to the point where the Presidential  
21 limousine was at the time the last shot  
22 was fired?

23 A I don't know but I imagine it was two, three  
24 hundred feet.

25 Q Two to three hundred feet?

1 A Yes.

2 Q Now, Mr. Simmons, you say that after the third  
3 shot was fired that you saw a halo of  
4 blood, is that right?

5 A Yes, sir.

6 Q Would you tell us just about the position of this  
7 halo of blood in relation to the President  
8 when you saw it?

9 A Well, it looked like just the top of his head  
10 blew off and went up in the air.

11 Q Was the halo directly over his head or to the  
12 front of him or where?

13 A Like I said, it seemed to go out the left side  
14 of the car.

15 Q The halo seemed to you to do that?

16 A Well, the matter.

17 Q Could you tell whether this halo as you  
18 described it was in front of the  
19 President?

20 A Well, it seemed to be over his head.

21 Q Actually you were looking straight on so it  
22 would be a little difficult for you to tell  
23 whether it was behind or in front?

24 A I guess it would.

25 Q Now the area behind the fence where you have

described as being a place where you went  
you say that was a parking lot?

16

A Yes, sir.

Q Where quite a few cars were parked in it?

A Yes, sir, there was.

Q Was this a muddy day?

A Yes.

Q Was there anything unusual about there being  
footprints?

A Well, there is a steam line by the parking lot  
and the fence and very few people have  
occasion to cross that steam line.

Q Do you know whether people were up on that fence  
watching the Presidential parade?

A I didn't see anyone around there.

Q Did you particularly look?

A No.

Q You were looking at the parade?

A Yes.

Q So there could have been people on the fence  
watching it and you wouldn't notice that?

A That is right.

Q And that would account for mud on the rail?

A Yes, sir.

Q If there was mud on the rail.

1 A Yes.

2 Q Did you see a gentleman, I'm sure you heard of  
3 Mr. Abraham Zapruder, did you see him  
4 taking movies of the Presidential parade?

5 A Well, there were people all over the area taking  
6 movies but I never seen him that I know of.

7 Q Mr. Simmons, you say you saw a place where a  
8 bullet might have hit the curb and what do  
9 you base your conclusion on?

10 A Well, like I say after the first shot --

11 Q Yes, sir?

12 A After the first shot I was screening the area  
13 to see if I could see where they were coming  
14 from and there was, it looked like dust  
15 particles fly in the air from something  
16 that had hit the curb or street.

17 Q And of course you are just guessing?

18 A I don't know.

19 Q Did you go over and check the curb in that area?

20 A No, sir.

21 Q You did not. Oh, yes, Mr. Simmons, you say  
22 that you were standing approximately here,  
23 is that right?

24 A Yes, sir.

25 Q And you say that the noise, that is the report

1 from what sounded like shots came from  
2 this direction?

3 A Came from in front and the sound was to the left  
4 of me.

5 Q Is it not a fact that the Texas School Book  
6 Depository is in that direction also?

7 A It is.

8 Q Did you see anybody up on that Triple Overpass  
9 with a gun?

10 A Yes, two policemen.

11 Q Two policemen?

12 A Yes.

13 Q They didn't fire any shots, did they?

14 A No, sir.

15 Q Did you hear any shots fired from the Triple  
16 Overpass?

17 A No, not from there.

18 Q You heard a total of what you say is three shots?

19 A Yes, sir.

20 MR. DYMOND:

21 Thank you.

22 RE-DIRECT EXAMINATION

23 BY MR. OSER:

24 Q Mr. Simmons, you testified in front of the  
25 Warren Commission?



1 A No, sir, I did not.

2 Q Were you interviewed by the Federal Bureau of  
3 Investigation?

4 A Yes, sir.

5 MR. OSER:

6 That's all I have.

7 THE COURT:

8 Is the gentleman excused from the effects  
9 of the subpoena?

10 MR. OSER:

11 Yes, sir.

12 THE COURT:

13 You're excused.

14 Call your next witness.

15 ...oOo...

16 MRS. FRANCES GAYLE NEWMAN,

17 a witness for the State, after first being duly sworn  
18 by the Minute Clerk, was examined and testified on  
19 her oath as follows:

20 DIRECT EXAMINATION

21 BY MR. ALFORD:

22 Q State your full name, please.

23 A Frances Gayle Newman.

24 Q Mrs. Newman, it is very important that everyone  
25 in the courtroom be able to hear you so I

1 will ask you to speak into the microphone  
2 as loudly as possible. These gentlemen  
3 have to be able to hear you. If you don't  
4 understand a question I don't mind you  
5 asking us to repeat it.

6 A Okay.

7 Q State your full name once again.

8 A Frances Gayle Newman.

9 Q Where do you live, Mrs. Newman?

10 A Dallas, Texas.

11 Q Where in Dallas?

12 A 227 East Green Drive.

13 Q Mrs. Newman, did you live in Dallas, Texas in  
14 1963?

15 A Yes, sir. I am a native of Dallas.

16 Q Did you have occasion on November 22, 1963 to  
17 go to Dealey Plaza in Dallas, Texas?

18 A Yes, sir, we did.

19 Q And for what purpose did you go there?

20 A We went to Dealey Plaza so we would have a  
21 chance to see President Kennedy as he came  
22 through town.

23 Q Did you in fact observe the Presidential  
24 motorcade?

25 A Yes, sir, we did. We went out to the airport to

1           see and we were unable to see him so we  
2           went to Dealey Plaza.

3   Q       And in whose company were you in, if anyone?

4   A       My husband and my two children.

5   Q       Would you speak just a little louder please,  
6           ma'am?

7   A       Yes, sir.

8   Q       What was your husband's name?

9   A       William E. Newman, Jr.

10   Q       And where is he today?

11   A       He is home sick.

12   Q       Mrs. Newman, I am going to ask you to please  
13           step up, step down from the witness chair  
14           and step over here, please. Mrs. Newman,  
15           I direct your attention to what for  
16           purposes of identification is marked  
17           State 34 and ask you whether or not you  
18           recognize the scene depicted in this  
19           photograph?

20   A       Yes, I do.

21   Q       What is this a picture of?

22   A       A picture of the Triple Overpass and where we  
23           were standing at the time of the  
24           assassination.

25   Q       What is this area commonly called in Dallas?

1 A Dealey Plaza.

2 Q Mrs. Newman, I'm going to give you a small flag  
3 which has your name on it and a pin and I  
4 direct your attention to the large plaque  
5 over here marked State 35 and ask you to  
6 please place, stick this pin in the  
7 location or approximate location where you  
8 and your husband were standing at the time  
9 you observed the motorcade.

10 A (The witness complies.)

11 Q Mrs. Newman, I also direct your attention to this  
12 mockup which has been marked State 36, and  
13 I give you this small emblem and I would  
14 request you to locate yourself on this  
15 mockup, your approximate location.

16 A Right in there, right in front of that sign  
17 there.

18 Q Do you see any other signs on the mockup?

19 A Oh, wait, I am too far down. Right in here.

20 Q You may return to the witness chair.

21 Mrs. Newman, at what location was the  
22 Presidential limousine at the time you  
23 were first able to observe it?

24 A They were, when we first were able to see them,  
25 the limousine as it turned the corner from

1 Houston onto Elm Street.

2 Q And did the Presidential limousine remain in  
3 your line of vision?

4 MR. DYMOND:

5 Object to leading the witness.

6 BY MR. ALFORD:

7 Q To what point on Elm Street did you lose sight  
8 of the Presidential limousine, if in fact  
9 you did?

10 A It was after it passed us and went under the  
11 Triple Overpass.

12 Q Mrs. Newman, while you were in Dealey Plaza did  
13 anything unusual occur?

14 A Yes, sir, the President was shot.

15 Q Did you hear any unusual noises?

16 A I heard three of what I thought at first were  
17 firecrackers -- three shots.

18 Q Did you hear the first of these noises?

19 A Yes, sir. Now, do you want me to tell you where  
20 the President's car was when I first heard  
21 the noises?

22 Q If you can.

23 A The President's car was maybe 100 or 150 feet  
24 from us when I first heard the noise and  
25 the first two noises were close together.

just seconds apart.

Q Were you looking at the President at the time  
you heard the first report?

A Yes, sir, I was.

Q Were you able to observe any reaction on his part?

A Yes, sir, at the time of the first noise he threw his hands up.

Q Could you simulate what you observed?

A     He threw his hands up like this and sort of  
turned his head.

Q Did you have occasion to hear a second report?

A Yes, sir, I did.

Q Before I go into that, were you able to observe Governor Connolly after the first report?

A Yes, sir, I saw Governor Connolly with the first shot seemed to turn a little bit like this. (Indicating)

Q You said you then heard a second report?

A. Yes, sir.

Q Were you able to observe any reaction on the part of Governor Connolly then?

A Yes, sir, at the time of the second shot Governor Connolly grabbed his stomach.

Q Did he do anything else?

Reference copy, JFK Collection: HSCA (RG 233)

1 A Well, his eyes just got real big and he sort  
2 of slumped down in the seat.

3 Q Were you able to hear a third report?

4 A Yes, sir, we heard a third report, it was a  
5 short time, not maybe 10 or 12 seconds  
6 after the first two shots.

7 Q And what were you able to observe the effects  
8 of this shot then?

9 A Yes, sir, that shot when it happened, the  
10 President's car was directly in front of  
11 us and it was about a lane's width between  
12 us, it wasn't in the lane next to the curb  
13 it was in the middle lane, and at that  
14 time he was shot in the head right at his  
15 ear or right above his ear.

16 Q Did you have your eyes upon the President at  
17 the time of these shots?

18 A Yes, sir, I did.

19 Q And were you able to clearly observe the effects  
20 of that shot?

21 MR. DYMOND:

22 Object to leading the witness.

23 THE COURT:

24 Rephrase your question, Mr. Alford.

25 BY MR. ALFORD:

1 Q Approximately in feet can you estimate how far  
2 you were from the Presidential limousine  
3 at the time of the third noise?

4 A We were approximately 10 feet. The Presidential  
5 limousine was directly in front of us. The  
6 President was directly in front of us but  
7 10 feet out in the street.

8 Q Now what was the effect of this shot upon the  
9 President's head if you were able to  
10 observe?

11 A The President, his head just seemed to explode,  
12 just bits of his skull flew in the air and  
13 he fell to the side.

14 Q Now what did you do at that time, if anything?

15 A At that time we both had a child and we got  
16 down on the ground and covered our children  
17 with our bodies because we thought we were  
18 in a crossfire, the noise --

19 MR. DYMOND:

20 Object and ask the witness be instructed  
21 to not give opinions --

22 THE COURT:

23 I overrule your objection, Mr. Dymond.

24 MR. DYMOND:

25 To which ruling Counsel reserves a bill



27

of exception making the question, the objection, the reason for the objection being that this is a conclusion and opinion on the part of the witness, and The Court's ruling and all the testimony to this point and the testimony of this witness.

BY MR. ALFORD:

Q Where did the noise sound to you to come from?

A Sounded it was coming from directly behind us.

Q Mrs. Newman, I now show you a photograph previously marked State 41 and ask you to inspect this photograph and I ask you whether or not you can locate yourself in this photograph?

A Yes, sir, I can.

Q Will you please place an X immediately above your head. Now, Mrs. Newman, I now show you what for purposes of identification has been marked State 48 and I ask you whether or not you can locate yourself in this photograph. Were you able to locate yourself?

A Yes, sir.

Q Mrs. Newman, did you have occasion to testify

1 before the Warren Commission?

28

2 A No, sir, I did not.

3 MR. ALFORD:

4 Thank you.

5 CROSS-EXAMINATION

6 BY MR. DYMOND:

7 Q Mrs. Newman, did you give a statement to the  
8 Federal Bureau of Investigation?

9 A The only statement I gave was given to the  
10 Sheriff's Department the afternoon of the  
11 assassination.

12 Q You did give a statement to the Sheriff's  
13 Department?

14 A I did.

15 Q Did you give a written statement or verbal?

16 A It was a verbal statement and they had a  
17 secretary to type it and I read it and  
18 signed it.

19 Q You then gave a typed-up signed statement?

20 A Yes, sir.

21 Q Mrs. Newman, when did you and your husband first  
22 learn that President Kennedy was to visit  
23 Dallas on this occasion?

24 A Probably a week in advance.

25 Q About a week in advance of November 22?

1 A Yes, uh huh.

2 Q As I understand your testimony you heard one  
3 noise that sounded like a firecracker?

4 A No, sir, I beg your pardon, I heard three  
5 noises.

6 Q You heard one noise that sounded like a  
7 firecracker and then a little later on you  
8 heard two more close together?

9 A No, sir, I heard two close together and then  
10 one.

11 Q I see. The first two were close together?

12 A Yes, sir.

13 Q And the second one was -- the third one was  
14 seconds later?

15 A Yes, sir.

16 Q Would you mind as best you can by slapping the  
17 side of the Judge's bench show us just  
18 how you heard those shots?

19 A The first two (tap, tap) and then there was a  
20 pause, and I don't know exactly how many  
21 seconds, but then there was another shot.

22 Q You would not pretend to know how many seconds  
23 between the second and third one?

24 A Not between the second and third one, no, sir.

25 Q In other words in your Direct testimony when you

1        said that 10 to 12 seconds elapsed after  
2        the first two shots before you heard the  
3        third, that was strictly an estimate?

4        A     Yes, sir, it was more an estimate than a direct  
5        fact because I don't know 'cause I didn't  
6        time it.

7        Q     Of course you were very excited at that time,  
8        were you not?

9        A     I don't believe I was very excited until after  
10       it all happened and then I realized what  
11       happened.

12       Q     You say it appeared to you that the President's  
13       head just exploded, is that correct?

14       A     Not his head but more or less his ear and head  
15       and fragments and things flew up and his  
16       brain matter and blood started coming out.

17       Q     It appeared to you that it hit in the vicinity  
18       of the ear?

19       A     Above the ear not behind the ear, the ear itself  
20       but not behind the ear.

21       Q     Some of the witnesses to this shooting have  
22       described the appearance of the President's  
23       head in that it appeared to be a red halo  
24       and did you observe any such effect?

25       A     No, sir, I didn't.

1 Q Were you able to see any blood or other matter  
2 that escaped from the President's head?

3 A Yes, sir, I did.

4 Q Would you describe that as best you can?

5 A From what I remember when the President was hit  
6 bits flew up and then white matter came out  
7 and then blood.

8 Q Did you see any of that fly forward,

9 Mrs. Newman?

10 A As well as I could remember it flew straight up.

11 Q As I understand your testimony when the  
12 President -- right after this third shot  
13 that he raised up and fell over to the  
14 side, is that correct?

15 A Yes, sir.

16 MR. DYMOND:

17 That is all, Mrs. Newman.

18 THE COURT:

19 Is Mrs. Newman excused from the effects  
20 of the subpoena?

21 MR. DYMOND:

22 Yes.

23 MR. ALFORD:

24 Yes.

25 THE COURT:

Mrs. Newman, you are excused.

MR. ALFORD:

May it please The Court at this time I would request permission to show to the Jury what has previously been entered in evidence as State 41 and State 48.

THE COURT:

You may show it to the Jury.

Gentlemen, can I interrupt you a second. I have been requested by the State to give them a recess at this time so if you will just take the pictures with you upstairs we will take a five-minute recess.

(The Court recessed from 10:05 to 10:30 o'clock a.m.)

THE COURT:

I would like to report to the Defense Counsel that they made personal service on Mr. Frazier.

Is the State and Defense ready to proceed?

MR. ALCOCK:

The State is ready, Your Honor.

REFERENCE COPY, JFA COLLECTION: NSCA (KJ 233)

1 MR. DYMOND:

2 We are ready.

3 ...oOo...

4 MRS. MARY MOORMAN,

5 a witness for the State, after first being duly  
6 sworn by the Minute Clerk, was examined and testified  
7 on her oath as follows:

8 DIRECT EXAMINATION

9 BY MR. ALFORD:

10 Q State your full name, please.

11 A Mary N. Moorman.

12 Q Mrs. Moorman, it is very important for everyone  
13 to hear you so if you will speak into the  
14 microphone everyone will be able to hear.  
15 If you don't understand any question I ask  
16 or Defense Counsel asks, please ask us to  
17 repeat it.

18 Mrs. Moorman, where do you reside?

19 A Dallas, Texas.

20 Q Did you reside in Dallas, Texas on November 22,  
21 1963?

22 A Yes, sir, I did.

23 Q Mrs. Moorman, did you have occasion to be in  
24 Dealey Plaza on November 22, 1963?

25 A Yes, sir, I did.

Reference copy, JFK Collection: HSCA (R0 233)

1 Q I would ask that you step down from the witness  
2 chair, Mrs. Moorman, step over here please,  
3 Mrs. Moorman, and I show you what for  
4 purposes of identification is marked  
5 State 34 and I ask you whether or not you  
6 recognize the photograph depicted in here?

7 A Yes, I do.

8 Q What is this a photograph of?

9 A Dealey Plaza.

10 Q Now, Mrs. Moorman, I direct your attention to  
11 what has been marked State 35 and I give  
12 you a small flag with your name on it and  
13 request that you please pin this flag on  
14 the location, your location, in Dealey  
15 Plaza on November 22, 1963.  
16 Mrs. Moorman, at the time you were in  
17 Dealey Plaza what scene was directly across  
18 from you if you recall?

19 A The pagoda and stairs going up.

20 Q Mrs. Moorman, have you placed yourself in the  
21 proper location?

22 A As far as I can determine.

23 Q Mrs. Moorman, I also show you and direct your  
24 attention to what has been previously  
25 marked as State 36, which is a markup of



1 Dealey Plaza and I give you this small  
2 emblem and request that you place this in  
3 approximately your location in Dealey  
4 Plaza. Now, Mrs. Moorman, have you placed  
5 yourself here on the same side of the street  
6 as on this large plot?

7 A Yes.

8 Q Now, Mrs. Moorman, approximately what time did  
9 you arrive on November 22 at Dealey Plaza?

10 A Around 11:00.

11 Q And were you accompanied by anyone?

12 A Yes.

13 Q By whom were you accompanied?

14 A A friend.

15 Q Now did you have occasion while in Dealey Plaza  
16 to observe the Presidential motorcade?

17 A Yes, I did.

18 Q And at -- upon which street was the motorcade  
19 at the time you first observed it?

20 A Elm Street.

21 Q And in what direction was it proceeding, I  
22 don't mean north or so but if you can  
23 identify the direction in relationship to  
24 real estate?

25 A It is to my right coming towards me.

1 Q Now did anything unusual occur in Dealey Plaza  
2 on November 22?

3 A Yes.

4 Q Would you please explain to the Gentlemen of the  
5 Jury exactly what you saw and heard on  
6 November 22.

7 A I observed the motorcade as it approached.  
8 There were several cars preceding the  
9 Presidential limousine and as the  
10 Presidential limousine approached me I  
11 stepped forward to observe closer in order  
12 to take a picture, that is what I planned  
13 to do and just what I did.

14 Q Did you hear any unusual noises?

15 A Yes.

16 Q And what did these noises -- How many of these  
17 noises did you hear and what did it sound  
18 like to you?

19 A I heard three noises and they sounded like  
20 firecrackers.

21 Q Mrs. Moorman, what type -- you stated you had  
22 a camera in your possession and please  
23 tell us what type of camera?

24 A This is an earlier model Polaroid.

25 Q Did you take any photographs?

1 A Yes, I did.

2 Q Mrs. Moorman, do you presently have in your  
3 possession a photograph?

4 A Yes, I do.

5 Q And when was this photograph taken?

6 A As the Presidential limousine drew across from  
7 me.

8 Q Did -- and would you please hand me the photo-  
9 graph?

10 MR. ALFORD:

11 What is the next number?

12 THE MINUTE CLERK:

13 Fifty.

14 MR. DYMOND:

15 Your Honor please, we object to this  
16 witness' testimony on the ground that  
17 it is irrelevant to the issues in  
18 this case.

19 THE COURT:

20 The objection is overruled.

21 MR. DYMOND:

22 To which ruling Counsel reserves a bill  
23 of exception making the objection,  
24 the testimony of this witness and  
25 all the testimony at this point and

the reason for the objection and The  
Court's ruling part of the bill.

BY MR. ALFORD:

Q Now, Mrs. Moorman, in relation to the  
photograph you have just handed me and  
which I have marked State 50, I would ask  
you to look at this photograph and tell  
the Gentlemen of the Jury and The Court  
whether or not the photograph is in the  
condition it was in at a short period of  
time after it was taken?

A No, it is not.

Q How does this condition now differ from then?

A It has lightened in color which is due to the  
film but it also has fingerprints on it.

Q Mrs. Moorman, how long after you took this  
photograph did you first see it?

A Probably a minute or just minutes.

Q And do you at this time identify this photograph  
as a photograph you took of the President?

MR. DYMOND:

Objection to the leading of the witness.

BY MR. ALFORD:

Q Where was this photograph taken?

A In Dealey Plaza.

1 Q And did you take it?

2 A Yes, sir, I did.

3 Q Now, Mrs. Moorman, I show you what for purposes  
4 of identification I have marked State 52,  
5 however prior to showing you this exhibit  
6 I would ask you what happened if anything  
7 to your photograph after you took it.

8 A Immediately after taking this photograph there  
9 was a matter of confusion and I did cross  
10 the street and a man came up to me and  
11 asked me if I --

12 MR. DYMOND:

13 Object to anything a man may have said.

14 THE COURT:

15 Don't tell us what anyone told you but you  
16 may tell us what you did.

17 THE WITNESS:

18 I was asked to remove --

19 MR. DYMOND:

20 I object to what was asked, Your Honor.

21 THE COURT:

22 It is a good objection. Someone said  
23 something to you and what did you do  
24 as a result of what the person said  
25 to you?

1 THE WITNESS:

2 I removed the picture out of the camera.

3 BY MR. ALFORD:

4 Q What did you do then with the picture?

5 A I looked at it.

6 Q Did this photograph remain in your possession  
7 from the time you took it until today?

8 A No, it did not.

9 Q In whose possession other than yourself has this  
10 photograph been?

11 A A reporter and the Secret Service and the FBI  
12 that I know of.

13 Q Mrs. Moorman, I now show you what for purposes  
14 of identification has been marked as  
15 State 52 and ask you to inspect this,  
16 please. What is this a photograph of,  
17 Mrs. Moorman?

18 A Well --

19 MR. DYMOND:

20 I object because I think the photograph  
21 speaks for itself rather than have  
22 the witness interpret the photograph.

23 THE COURT:

24 I do not believe she can go into describing  
25 the details of what it is.

1 BY MR. ALFORD:

2 Q Can you identify what is contained in this  
3 photograph?

4 A Yes.

5 Q And what is it?

6 A It is a picture of the picture that I took.

7 Q Can you see the picture clearly?

8 MR. DYMOND:

9 I object to the leading.

10 BY MR. ALFORD:

11 Q Is there any doubt in your mind as to whether  
12 or not this is a picture --

13 MR. DYMOND:

14 I object to leading again.

15 THE COURT:

16 It is the way you form your questions.

17 Mr. Alford. Rephrase and ask her  
18 what it is.

19 BY MR. ALFORD:

20 Q Once again explain to us what it is.

21 A This is a picture of the photograph that I  
22 took.

23 Q Now, Mrs. Moorman, I show you what for purposes  
24 of identification has been marked State 51  
25 and ask you to inspect this. Can you

Reference copy, JFK Collection: HSCA (RG 233)

42

1 identify what is depicted here?

2 A Yes.

3 Q What is it?

4 A It is a portion of the photograph.

5 Q Of what photograph?

6 A The photograph of mine.

7 Q Is there anything contained in State 51 which  
8 is not contained in your photograph?

9 A Yes, there is a difference in these two  
10 photographs if that is what you're asking  
11 me.

12 Q What is the difference?

13 A In my photograph it shows two motorcycle  
14 policemen while this only has a portion of  
15 one.

16 Q Is everything that is contained in State 51  
17 also contained in your photograph?

18 A Yes.

19 Q Mrs. Moorman, what was the color of your dress  
20 on November 22?

21 A A blue raincoat, navy blue.

22 Q Mrs. Moorman, I now show you what for purposes  
23 of identification has been previously  
24 marked as State 41 and I would request you  
25 to look at this photograph and identify



1           yourself if you can. Would you please  
2           write your name under the --

3       THE COURT:

4           Not her name, her initials. Put an "M"  
5           for Moorman.

6       MR. ALFORD:

7           Your initials.

8       THE WITNESS:

9           (The witness complies.)

10      BY MR. ALFORD:

11      Q     Does this represent your approximate location  
12           at the time you took the photograph?

13      A     Approximately, yes.

14      Q     All right.

15      MR. ALFORD:

16           May it please The Court, at this time the  
17           State would request permission to show  
18           the Zapruder film to this witness for  
19           the purpose of identifying herself in  
20           this film if she is able to do so.

21      MR. DYMOND:

22           I object because I don't think there is  
23           any necessity to show it and reshow  
24           this film. The lady has identified  
25           herself in still pictures and fixes

1 the location of her person when she  
2 took this photograph.' I don't see  
3 any reason to rerun the film.

4 THE COURT:

5 The objection is overruled.

6 MR. DYMOND:

7 To which ruling Counsel again objects on  
8 the grounds it is unnecessary and  
9 prejudicial matter by repeatedly  
10 showing to the Jury that which has  
11 no relevancy to the issues in this  
12 case. There is no necessity for the  
13 showing in view of the testimony of  
14 this lady.

15 We would like to make the  
16 objection together with the Zapruder  
17 film, which is State 37, the reason  
18 for these objectionable rulings of  
19 The Court and the entire record up  
20 to this point a part of the bill.

21 MR. ALFORD:

22 Excuse me, please, Your Honor, because I  
23 will have to get the film.

24 THE COURT:

25 Tell me when you are ready.

1 MR. ALFORD:

2 One moment please, Your Honor. I would  
3 like to have Mrs. Moorman step down.

4 THE COURT:

5 Yes, sir and I would like if you would  
6 get the microphone for her.

7 (THE ZAPRUDER FILM WAS EXHIBITED TO  
8 THE WITNESS, THE MEMBERS OF THE JURY,  
9 THE COURT, COUNSEL FOR THE DEFENSE AND  
10 COUNSEL FOR THE STATE.)

11 BY MR. ALFORD:

12 Q Mrs. Moorman, can you locate yourself in this  
13 picture?

14 A Yes.

15 Q Would you please walk to the film and point to  
16 yourself.

17 A (The witness complies.)

18 MR. ALFORD:

19 Thank you. You may return to the witness  
20 chair.

21 MR. OSER:

22 Let the record, reflect Your Honor that  
23 I am returning this film to the  
24 Court.

25 THE COURT:

1 Are you ready to proceed?

2 MR. ALFORD:

3 The State would like to tender this  
4 witness.

5 MR. DYMOND:

6 We don't have any questions of this  
7 witness, Judge.

8 THE COURT:

9 Is Mrs. Moorman released from the  
10 obligations of the subpoena?

11 MR. ALFORD:

12 Yes, she is.

13 MR. OSER:

14 I have no questions but I wish to inform  
15 The Court at this time that the State  
16 wishes to offer, introduce, and file  
17 in evidence in view of Mrs. Moorman's  
18 testimony State Exhibit 51 and State  
19 52.

20 MR. DYMOND:

21 To which of course we object if it please  
22 The Court as there is no testimony  
23 in the record as to who took these  
24 pictures, where they came from, they  
25 are not identified to any pictures

1 this witness took according to her  
2 own testimony and no chain has been  
3 established at all.

4 THE COURT:

5 What about State 50 which you just  
6 entered and you are not offering it?

7 MR. ALFORD:

8 At this time we are offering these two  
9 photographs at this time.

10 THE COURT:

11 I will admit them in evidence.

12 MR. DYMOND:

13 To which ruling Counsel reserves a bill  
14 of exception making State 51 and  
15 State 52 part of the bill, Counsel's  
16 objections and the ruling of The  
17 Court and the entire record parts  
18 of the bill.

19 MR. ALFORD:

20 May it please The Court, because of the  
21 delicacy of State 50 and its value  
22 the State will return this to  
23 Mrs. Moorman.  
24 The State would request permis-  
25 sion at this time to show to the Jury

Reference copy, JFK Collection: HSCA (RG 233)

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what has been previously marked as  
State 51 and State 52 as well as  
State 41.

THE COURT:

You may show it to the Jury if it is in  
evidence.

MR. OSER:

Your Honor, if it please The Court, as  
previously discussed with you the  
State is going to ask for a recess.  
We had witnesses coming in from  
Dallas, Texas who are not here yet  
and in addition there were three  
other witnesses who have not come  
and one is Officer Hargis.  
Mrs. Newman's husband and the third  
one was Mr. Holland who is in a  
Santa Fe hospital.

THE COURT:

Also earlier you discussed with me the  
proposition about something that was  
to be done out of the presence of  
the Jury. Are you ready on that?

MR. OSER:

Not as yet, Your Honor. This was a last

1 minute attempt to utilize the time  
2 but unfortunately we are not in a  
3 position to get all the needed  
4 witnesses here. This would have been  
5 out of the presence of the Jury,  
6 however.

7 THE COURT:

8 When do you propose to get into that  
9 feature of the case?

10 MR. OSER:

11 I would think it would probably be perhaps  
12 late Monday and as I understand the  
13 Court's position is that Tuesday we  
14 are not going to work.

15 THE COURT:

16 That is correct. Very well, let me  
17 explain to the Jury.

18 Gentlemen: Unfortunately we are  
19 going to have to recess the case  
20 until Monday morning. This logistic  
21 problem you can probably understand  
22 and apparently we will not be able  
23 to proceed any further today.

24 I will leave it up to the  
25 Sheriff to provide some type of

entertainment within legal bounds.

I'll try to have the Sheriff occupy your time and I know you are under a strain in trying to do your duty as a juror.

Mr. Sheriff, I would like you to take the Jury upstairs and then take them to their motel and I will communicate with Sheriff Heyd and try to come up with some idea to occupy their time this afternoon.

Also I am trying to see if we have a place designated so you can see the Rex Parade and I'm trying to place you someplace where some reporters are not going to try to talk to you. If we can get some home on the Avenue and have you brought up there you might be able to view the parade on Carnival Day which may relieve the boredom or tedium you necessarily must have.

Let me one more time admonish the Jury not to discuss the case until it is given to you.



Reference copy, JFK Collection: HSCA (RG 233)

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Mr. Sheriff, take the Jury  
upstairs and we will be in recess  
with this case until 9:00 a.m. on  
Monday morning.

. . . At the hour of 11:05 o'clock a.m.  
the trial was recessed. . . .

002021

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

. . . . .  
STATE OF LOUISIANA . 198-059  
vs. . 1426 (30)  
CLAY L. SHAW . SECTION "C"  
. . . . .

EXCERPT FROM

PROCEEDINGS IN OPEN COURT,  
Monday, February 17, 1969

TESTIMONY OF REGIS L. KENNEDY

B E F O R E : THE HONORABLE EDWARD A.  
HAGGERTY, JR.,

JUDGE, SECTION "C"

Dietrich & Bendix, Inc.

*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130 - 522-3111

1                                    REGIS L. KENNEDY,  
2 a witness called by and on behalf of the State,  
3 having been first duly sworn, was examined and  
4 testified as follows:

5                                    DIRECT EXAMINATION

6 BY MR. ALCOCK:

7 Q        For the record would you please state  
8                                    your full name.

9 A        Regis L. Kennedy.

10 Q        And at this time, Mr. Kennedy, by whom  
11                                    are you employed?

12 A        I am presently retired.

13 Q        From what job?

14 A        From the Federal Bureau of Investigation.

15 Q        And how long were you with the Federal  
16                                    Bureau of Investigation?

17 A        Just under 31 years.

18 Q        When did you retire?

19 A        May 1, 1968.

20 Q        Mr. Kennedy, referring you to the month  
21                                    of November, 1963, were you employed  
22                                    at that time by the Federal Bureau  
23                                    of Investigation?

24 A        I was.

25 Q        And were you employed in the city of  
                                  New Orleans at that time?

1 A I was.

2 Q Again referring you to that month of  
3 November, 1963, and specifically the  
4 date of November 22 -- November 25,  
5 1963, did you have occasion on that  
6 date to interview one Dean A.  
7 Andrews, Jr.?

8 A I did.

9 Q Where did the interview take place?

10 A Hotel Dieu.

11 Q And who if anyone was present with you  
12 at the time?

13 A There was another agent with me. I  
14 believe his name was Slager (?).

15 Q Besides yourself and Agent Slager and  
16 Dean Andrews, was there anyone  
17 present in the room at the time you  
18 interviewed Dean Andrews?

19 A At the time of the interview, no.

20 Q Can you recall approximately, Mr. Kennedy,  
21 what time this interview took place?

22 A I would say probably shortly after noon,  
23 to the best of my knowledge. It's  
24 five years.

25 Q Give us an approximation.

1 A I'd say shortly after 12:00 noon or maybe  
2 a little later. I mean --

3 Q I realize it's an approximation.  
4 Agent Kennedy, what was your purpose for  
5 interviewing him on this day?

6 A He called me and --

7 MR. DYMOND:

8 Now I object to any conversation  
9 outside the presence of the  
10 Defendant, Your Honor.

11 THE COURT:

12 The objection is well taken. You  
13 can state, Mr. Kennedy, he spoke  
14 to you, and what did you do as  
15 a result of that conversation.

16 MR. ALCOCK:

17 Strike the question.

18 BY MR. ALCOCK:

19 Q Prior to this occasion when you inter-  
20 viewed him in Hotel Dieu, had you  
21 received any communication from him,  
22 telephonic or otherwise, Dean  
23 Andrews?

24 A Yes.

25 Q Was it a telephone call?

1 A Telephone call.

2 Q And do you recall when you received the  
3 telephone call?

4 A Yes.

5 Q When was that?

6 A Probably an hour or two hours before.

7 Q And in response to this telephone call  
8 and conversation with Andrews, did  
9 you have occasion to interview him?

10 A I did.

11 Q As a result of this interview, Agent  
12 Kennedy, did you have occasion to  
13 investigate and attempt to locate a  
14 Clay Bertrand?

15 MR. DYMOND:

16 Object to that, Your Honor, trying  
17 to do indirectly what cannot  
18 be done directly.

19 MR. ALCOCK:

20 Your Honor, this is no different  
21 than a police officer responding  
22 to a call and giving a descrip-  
23 tion or a name.

24 THE COURT:

25 I think Agent Kennedy, who was an

1 agent at that time, can tell  
2 us what he did as a result of  
3 the telephone call.

4 MR. ALCOCK:

5 Not as a result of the telephone  
6 call, as a result of the tele-  
7 phone call he interviewed  
8 Andrews. I am saying as a  
9 result of the interview did he  
10 have occasion to attempt to  
11 locate Clay Bertrand.

12 MR. DYMOND:

13 Object. It's a leading question.

14 THE COURT:

15 Leading. You can ask what did he do.

16 BY MR. ALCOCK:

17 Q. What did you do, Agent Kennedy, as a  
18 result of the conversation with  
19 Dean Andrews?

20 A Well, first I reported it to the -- to  
21 my superiors at the time, and then  
22 subsequently I attempted to locate  
23 this individual by the name of Clay  
24 Bertrand.

25 THE COURT:

1 Clay? Clem?

2 THE WITNESS:

3 Clay.

4 BY MR. ALCOCK:

5 Q Can you give us, Agent Kennedy, what  
6 efforts you made in an attempt to  
7 locate the Clay Bertrand? What did  
8 you personally do, what areas did  
9 you cover?

10 A Realizing that it has been five years, --

11 Q I realize that.

12 A -- I would say that there were record  
13 checks, I made record checks, Police  
14 Department, Credit Bureau, direc-  
15 tories, telephone listings, unlisted  
16 phone numbers, Information, various  
17 people that should have been knowl-  
18 edgeable of people that are inhabi-  
19 tants of the French Quarter I  
20 contacted. I reviewed practically  
21 every piece of paper that Dean  
22 Andrews had in his office, with the  
23 assistance of his -- well, Dean, and  
24 I won't say that I saw all of them  
25 and I won't say that I actually



1 looked at them. Most of the time  
2 Dean was looking at them and putting  
3 them by. In other words, I wasn't  
4 inquiring into his private law  
5 business, but extensive review was  
6 made of his files.

7 Q Do you know whether or not in your own  
8 knowledge, Mr. Kennedy, there were  
9 any other agents assisting you or  
10 attempting to ascertain the identity  
11 of this individual along with your-  
12 self?

13 A Of my own knowledge?

14 Q Yes, of your own knowledge.

15 A Yes.

16 Q Approximately how many agents, of your  
17 own knowledge?

18 A Frankly, I couldn't tell you or give you  
19 a close approximation. I mean I  
20 really don't know. Probably -- I  
21 don't think there was a great many,  
22 but I would hesitate to state a  
23 number.

24 Q Can you tell us at this time, Mr. Kennedy,  
25 approximately how many days, if it

1           was days, or hours if it was hours,  
2           that you sought the individual named  
3           Clay Bertrand as a result of this  
4           conversation?

5   A     You mean -- let's put it this way. The  
6           number of hours that I actually  
7           worked on this?

8   Q     Yes.

9   A     Oh, this is strictly a guess. I would  
10          say not more than -- personally not  
11          more than 20 hours of actual work on  
12          the --

13   Q     And do you know of your own knowledge  
14          approximately how long these other  
15          agents that you have referred to  
16          attempted to ascertain the identity  
17          of Clay Bertrand, if you know? I  
18          realize this is a long time ago.

19   A     I have no way of even estimating.

20   Q     Agent Kennedy, was there any geographic  
21          location of the city of New Orleans  
22          that you concentrated on in your  
23          attempts to identify Clay Bertrand?

24   A     Yes.

25   Q     What area was that?

1 A The French Quarter.

2 Q Did you personally at any time go down  
3 into the French Quarter in your  
4 attempt to identify this individual?

5 A Yes.

6 Q Once or more than once?

7 A I would say it has got to be more than  
8 once. I don't know how many times.

9 Q Now, Mr. Kennedy, prior to your interview  
10 with Dean Andrews, were you person-  
11 ally engaged in the investigation of  
12 the assassination of President  
13 Kennedy?

14 A Mr. Alcock, I think that that is outside  
15 of the purview of the authorization  
16 that I have received to testify here.

17 Q Would you care to converse with Mr.  
18 Connick who is representing the  
19 United States Attorney's Office at  
20 this time?

21 A I think so, yes.

22 MR. DYMOND:

23 If the Court please, we would like  
24 to make it clear now that we  
25 waive any privilege which might

1                   exist in this matter. We have  
2                   no objection to Mr. Kennedy  
3                   testifying.

4           THE COURT:

5                   I don't believe there is a privilege  
6                   between Mr. Kennedy and defense  
7                   counsel.

8           MR. DYMOND:

9                   If any.

10          MR. ALCOCK:

11                   The privilege is between the witness  
12                   and the United States Government.

13          THE COURT:

14                   There is a legal point involved. Do  
15                   you wish to consult with Mr.  
16                   Connick? Do you want me to take  
17                   a recess?

18          MR. CONNICK:

19                   I don't think it is necessary, Your  
20                   Honor. Just one moment.

21                   (Brief pause in the proceedings.)

22          MR. ALCOCK:

23                   Now I would ask the court reporter  
24                   to read back my question of  
25                   former Agent Kennedy.

1 (Whereupon, the question was read  
2 back by the reporter as follows:

3 "Question. Now, Mr. Kennedy, prior  
4 to your interview with Dean Andrews,  
5 were you personally engaged in the  
6 investigation of the assassination  
7 of President Kennedy?")

8 THE WITNESS:

9 Your Honor, I have been directed to  
10 say that this is outside of the  
11 scope of the authority which I  
12 have received from the Attorney  
13 General, and Mr. Connick will  
14 be happy to contact the Attorney  
15 General's office for permission  
16 to enter this scope, if you so  
17 desire.

18 THE COURT:

19 Mr. Alcock, don't you think -- the  
20 kind of questions involved, I  
21 think you can rephrase your  
22 question to find out when Agent  
23 Kennedy found out that the  
24 President was shot. I imagine  
25 he found out like everybody else,

1 over the radio. I think the  
2 time question is involved.

3 MR. ALCOCK:

4 I agree, Your Honor. I think Agent  
5 Kennedy is as well aware of the  
6 fact as this Court is that the  
7 President was shot on November  
8 22. Now, this interview took  
9 place on November 25, three  
10 days later. My question was,  
11 was he engaged in the investi-  
12 gation of the assassination,  
13 obviously between the date of  
14 November 22 and the date of  
15 November 25. My next question  
16 would be whether or not he was  
17 engaged in the investigation of  
18 the assassination of President  
19 Kennedy on the 25th and there-  
20 after, and I assume that he  
21 would also claim the executive  
22 privilege to that question, and  
23 I do not want to argue it in  
24 front of the jury because I  
25 feel it would be prejudicial

1 to the defendant.

2 MR. DYMOND:

3 If the Court please, at this time  
4 we will ask that Agent Kennedy  
5 or Mr. Connick call the Depart-  
6 ment of Justice and get  
7 authority to testify as he sees  
8 fits.

9 MR. ALCOCK:

10 Well, of course Agent Kennedy is my  
11 witness, but I would certainly  
12 not object to that.

13 THE COURT:

14 Well, I think we have got a legal  
15 point that we must discuss out  
16 of the presence of the jury.

17 Sheriff, take the jury upstairs.

18 We will take a recess from the  
19 jury but we are going to con-  
20 tinue. I would like to hear  
21 the argument, I would like to  
22 hear it argued out of their  
23 presence.

24 (Jury excused.)

25 THE COURT:

1                   Counsel, what is the legal status  
2                   of the matter now that the jury  
3                   has been retired?

4           MR. ALCOCK:

5           Your Honor, as I appreciate it, my  
6           attempt to elicit from this  
7           witness whether or not from the  
8           22nd to the 25th he was engaged  
9           in the investigation of the  
10          assassination of President  
11          Kennedy -- and that would also  
12          include the 25th and the inter-  
13          view with Dean Andrews, and  
14          additionally I would like to  
15          know whether after the 25th,  
16          during these some 20 hours that  
17          he was looking for the indi-  
18          vidual named Clay Bertrand, if  
19          that was in connection with --  
20          along with the interview, the  
21          general investigation into the  
22          assassination of President  
23          Kennedy. I think that that is  
24          completely and highly relevant  
25          to this case, and I have no



1 objection at all to Mr. Connick  
2 contacting the Attorney General  
3 of the United States and finding  
4 out whether or not this man can  
5 state that.

6 I might say to the Court, since the  
7 jury is not here, Agent Kennedy  
8 did testify in another case in  
9 this building last summer, and  
10 I think he did respond to that  
11 question. I do not have the  
12 transcript before me, but I am  
13 quite sure he did respond to  
14 that question or at least a  
15 question similarly phrased.

16 THE COURT:

17 Let's hear Mr. Connick. What is the  
18 United States Government's  
19 position in this matter?

20 MR. CONNICK:

21 Your Honor, I am here on behalf of  
22 the Attorney General.

23 Mr. Regis Kennedy has been author-  
24 ized to give his testimony in  
25 this case relative to an

1 interview he had with Dean  
2 Andrews. Anything beyond the  
3 scope of that interview he has  
4 not been authorized to testify  
5 about. If there are any ques-  
6 tions that the State wishes to  
7 propound to Mr. Kennedy beyond  
8 that, e.g., the one that is  
9 causing this discussion, and  
10 if there are any others we will  
11 be glad to transmit these ques-  
12 tions to the Attorney General  
13 and attempt to ascertain whether  
14 or not Mr. Kennedy can or cannot  
15 answer them.

16 Now, in light of Mr. Alcock's --

17 THE COURT:

18 Can you do it by telephone or do  
19 you have to do it by writing?

20 MR. CONNICK:

21 No, we will do it by telephone,  
22 Your Honor, but in light of  
23 Mr. Alcock's statement to the  
24 effect that Mr. Kennedy has  
25 already testified about this --

1 MR. ALCOCK:

2 This is my recollection. If Agent  
3 Kennedy has a different recol-  
4 lection, I certainly will  
5 accede to his recollection.

6 THE COURT:

7 Referring to the trial of Dean  
8 Andrews? Is that what you are  
9 referring to?

10 MR. ALCOCK:

11 Yes, that is the trial I had refer-  
12 ence to, yes, sir.

13 MR. CONNICK:

14 If I could refer to Mr. Kennedy  
15 again to ascertain whether he  
16 did testify to that --

17 (Discussion between witness and  
18 Counsel off the record.)

19 MR. CONNICK:

20 Your Honor, Mr. Kennedy is uncertain  
21 as to whether or not he has  
22 testified to this before, and  
23 in light of this he should not  
24 be allowed to testify to the  
25 question that was asked by

1 Mr. Alcock.

2 MR. ALCOCK:

3 Your Honor, I could assist the Court  
4 if the case had been tran-  
5 scribed, but for some reason --  
6 financial as I understand it --  
7 the reporters of that case had  
8 not transcribed that. I might  
9 state to the Court that I  
10 specifically asked to have  
11 Agent Kennedy's testimony tran-  
12 scribed in anticipation of  
13 problems of this nature, but I  
14 have never received that tran-  
15 script. Otherwise I would be  
16 more than happy to give it to  
17 the Court.

18 THE COURT:

19 Who was the court reporter who took  
20 that in Judge Shea's Court?

21 MR. ALCOCK:

22 It was Hotz or Allied Reporters I  
23 think was the firm.

24 THE COURT:

25 I tell you what. Let's have a

1 conference in my chambers. We  
2 will take a five-minute recess.  
3 I think I understand the legal  
4 problem.

5 (Whereupon, a recess was taken.)

6 AFTER THE RECESS:

7 (Jury in box.)

8 THE COURT:

9 Gentlemen, are we ready to proceed?

10 MR. ALCOCK:

11 Yes, Your Honor.

12 I have questions that I have written  
13 out, two of them that I would  
14 like to address to former Agent  
15 Kennedy. These questions have  
16 been cleared, as I understand  
17 it, with the Attorney General  
18 of the United States.

19 BY MR. ALCOCK:

20 Q Mr. Kennedy, prior to your interview with  
21 Dean Andrews, were you engaged in  
22 the investigation of the assassin-  
23 ation of President Kennedy?

24 A Yes, I was.

25 Q Mr. Kennedy, were you seeking Clay

1           Bertrand in connection with your  
2           over-all investigation into the  
3           assassination of President Kennedy?

4   A       I was.

5           MR. ALCOCK:

6           I will pass the witness.

7           CROSS-EXAMINATION

8   BY MR. DYMOND:

9   Q       Mr. Kennedy, did you ever locate Clay  
10           Bertrand?

11   A       No, sir.

12           MR. DYMOND:

13           That is all.

14           MR. ALCOCK:

15           No further questions.

16           THE COURT:

17           Gentlemen, I have sent for a tran-  
18           script of Mr. Kennedy's  
19           (testimony) at a previous trial.  
20           It will be forthcoming. I just  
21           wanted to announce it to you.  
22           I don't know what you want to  
23           do with it.

24           MR. DYMOND:

25           We don't need it, Judge.

1 MR. ALCOCK:

2 We have no need of it, Your Honor.

3 THE COURT:

4 Is there any further need of Agent  
5 Kennedy?

6 MR. ALCOCK:

7 No.

8 MR. DYMOND:

9 No.

10 THE COURT:

11 Call your next witness.

12 (Witness excused.)

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C E R T I F I C A T E

I, the undersigned, Helen R. Dietrich,  
do hereby certify that the above and fore-  
going (22 pages of typewritten matter) is  
a true and correct transcription of the  
stenographic (Stenotype) notes taken down  
by me, and transcribed under my supervision,  
on the day and date hereinbefore noted,  
in the above-entitled and numbered cause,  
being the testimony of REGIS L. KENNEDY.

Helen R. Dietrich



002025

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

\*\*\*\*\*

STATE OF LOUISIANA

versus

CLAY L. SHAW

\*\*\*\*\*

NO. 198-059  
1426(30)  
SECTION "C"

*Testimony of William Eugene Nummer*

EXCERPT FROM PROCEEDINGS in Open

Court on February 17, 1969.

B E F O R E :

HONORABLE EDWARD A. HAGGERTY, JR.

JUDGE, SECTION "C"

Dietrich & Pickett, Inc.

*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130 - 522-3111

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I N D E X

WITNESS	DIRECT	CROSS
WILLIAM EUGENE NEWMAN, JR.	2	13

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...oOo...

2

WILLIAM EUGENE NEWMAN, JR.,

a witness called by and on behalf of the State,  
having been first duly sworn was examined and testi-  
fied on his oath as follows:

DIRECT EXAMINATION

BY MR. GARRISON:

Q Where were you living in November of 1963?

A 718 West Clarendon, Dallas.

Q Where do you live now?

A 227 East Greenbriar.

Q Can you recall the day of November 22 of 1963?

A Yes, sir.

Q Do you recall anything unusual happening that  
day?

A Yes, sir.

Q What do you recall happening?

A I recall President Kennedy being assassinated.

MR. DYMOND:

If the Court please, we object to this  
witness' testimony on the ground that  
it is irrelevant to the issues in  
this case, as we have done before.

THE COURT:

The objection is overruled.

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MR. DYMOND:

3

To which ruling we reserve a bill of exception, making the objection, all of the questions by the State, the ruling of the Court, and the entire testimony up until this time, including the testimony of this witness, parts of the bill.

BY MR. GARRISON:

Q You may proceed. Where were you standing in Dealey Plaza?

A I was standing halfway between Houston Street and the triple underpass on the north side of Elm.

Q Were you with anyone?

A Yes, sir, I was with my wife and two sons.

Q Two sons. What is your wife's first name?

A Frances Gail.

Q What time did you arrive at the scene?

A I am not certain, seems like it was 12:00 to 1:00 o'clock. I don't remember the exact time.

Q Let me put it this way: Did you arrive at the scene during the parade, or before the parade arrived?

1 A We arrived at the scene before the parade  
2 reached us, by some 15 minutes.

3 Q If I were to show you some photographs and  
4 engineers plats and a mockup of the Dealey  
5 Plaza area, do you feel like you could  
6 locate your position?

7 A Yes, sir, I feel like I could.

8 Q All right. Now would you move the microphone  
9 and stand up and come down here.

10 (The witness complied.)

11 Q Mr. Newman, I show you first of all photograph  
12 which has been identified as State's  
13 Exhibit 34, and I ask you to study it and  
14 see if you can pick out your location at  
15 that time. Stand over to the side.

16 A Yes, sir. We were standing right near this  
17 light standard here (indicating).

18 Q What is this object back here right behind you?

19 A I don't know, just a decorative corridor  
20 (sic) I don't know the exact term for it.

21 Q What kind of material?

22 THE COURT:

23 Speak into the mike.

24 THE WITNESS:

25 The material is masonry or brick; it might

be some kind of a sandstone.

5

BY MR. GARRISON:

Q Can you recall what kind of structure this is  
up in here in this area (indicating)?

A Yes, sir. This is just primarily a hedge row,  
small trees, just to beautify the location.

Q Now let's go over to the engineering plat, and  
I ask you the same question. This is a  
plat which has been identified as  
State 35. Can you look at this plat and  
identify your approximate location?

A Yes, sir, I can. Right here (indicating).

Q Here is a pin. Would you put a mark about where  
you were?

A (The witness complied.)

Q Now, if you will just follow me over here to  
this mockup and look at it for a moment --  
do you want to get to the side so the  
Defense Attorneys can see you? Can you  
locate your approximate position on this  
mockup of Dealey Plaza?

A Yes, sir.

Q Do you want to take this little figure of a man  
and put it approximately where you were?

A (Placing figure) Right. This represents my

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1                   wife here? Is that correct?

2       Q       Well, I would rather have you independently put

3                   it approximately where you were.

4       A       All right. I believe she is back a little,

5                   forward more and a little closer to this

6                   light standard (placing figure).

7       Q       We will pick up your wife after a while.

8                   (LAUGHTER IN THE COURTROOM.)

9       BY MR. GARRISON:

10      Q       Now, if you will, return your microphone to the

11                   Sheriff and take your seat again in the

12                   witness stand.

13      A       Yes.

14      Q       (Exhibiting photograph to witness) I show you,

15                   Mr. Newman, a photograph which has been

16                   marked "S-14," and I ask you if you have

17                   ever seen that scene before.

18      A       Yes, sir, I have.

19      Q       What does the picture represent?

20      A       Well, this is shortly after the assassination.

21                   This is myself laying on the ground, and

22                   my wife.

23      Q       This is you to the left of the lady?

24      A       Yes, sir.

25      Q       The lady is your wife?

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1 A Yes, sir.

2 Q (Exhibiting photograph to witness) I show you

3 a picture which has been identified as

4 "State 48," and I ask you if you have ever

5 seen this before.

6 A Well, I have never seen this picture before.

7 Q Not from that view point?

8 A No.

9 Q But you do know what it represents?

10 A Yes, sir. It shows myself in the picture. It

11 is shortly after the assassination.

12 Q And where are you in the picture?

13 A (Indicating) Right here.

14 Q Will you take this pen and mark an "N" above

15 your body, and would you do the same thing

16 on the other picture.

17 (The witness complied.)

18 BY MR. GARRISON:

19 Q Now, Mr. Newman, while you were there watching

20 the parade, did you see anything unusual

21 occur?

22 A Yes, sir. I did.

23 Q What did you see?

24 A I saw the President of the United States shot

25 in the head.



1 Q How many shots did you hear?

8

2 A I heard at least three. I often thought of  
3 four, but I can't clearly say there were  
4 four shots; I can clearly say there were  
5 three.

6 Q Do you have any impression as to the direction  
7 from which the shots came?

8 A Yes, sir. From the sound of the shots, the  
9 report of the rifle or whatever it was, it  
10 sounded like they were coming directly  
11 behind from where I was standing.

12 Q Now would you push the microphone aside and  
13 step down to the aerial photograph and  
14 identify that general area, just the  
15 general area from which the sounds came.

16 A In my opinion, the sounds of the shots sounded  
17 as if they had come from directly behind  
18 me (indicating). I was standing near this  
19 light standard here, and I thought the  
20 shots were coming from back here, and  
21 apparently everybody else did because they  
22 all ran in that direction.

23 MR. DYMOND:

24 Objection.

25 THE COURT:

The objection is well taken.

9

BY MR. GARRISON:

Q Would you go up to the mockup. Move to the side so the Defense Counsel can see, and just touch with your finger the general area, your impression, where the shots came (from).

A (Indicating) From back in this direction here directly behind me. At the time -- you want me to mention the third shot?

Q We will go into that later. I just wanted you to locate yourself.

A Okay.

Q Give the microphone back and take your seat again, and we can go into the shots.  
(The witness complied.)

Q Would you tell us in as much detail as you can recall about the impact which you may have observed from the shots.

A Yes, sir. You want me to start with the first two shots?

Q Start right from the beginning and just tell us as you recall.

A Okay. My wife and myself were watching the parade came toward us. We had to more or

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less step off the curb to look up the street, and as the car was approaching I heard two shots -- BOOM, BOOM -- and when the first shot was fired the President throwed his hands up like this (demonstrating), and at the time what we thought had happened, somebody throwed firecrackers or something under the automobile and he was protecting his face. At the time of the first shot Governor Connelly turned in his seat in this manner (demonstrating), to look back at the President I suppose, and then the second shot was fired, and then as the car approached us to where we were standing, I could see Governor Connelly leaning back in his seat holding his hands down like this (demonstrating), and at that time I could see bleed on his shirt, and that is when I actually realized that it appeared, you know, he had been shot. The President all the time was staying in an upright position in his seat and it looked like he was looking into the crowd of people as if he was trying to see someone. I caught a

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1 glimpse of his eyes, just looked like a 11  
 2 cold stare, he just looked through me, and  
 3 then when the car was directly in front of  
 4 me, well, that is when the third shot was  
 5 fired and it hit him in the side of the  
 6 head right above the ear and his ear come  
 7 off. Now, it is my opinion at the time --  
 8 MR. DYMOND:  
 9 I object to what his opinion is, Your  
 10 Honor.  
 11 THE COURT:  
 12 Tell us what you saw.  
 13 BY MR. GARRISON:  
 14 Q Just tell us what you observed.  
 15 A Well, I observed his ear flying off, and he  
 16 turned just real white and then blood red,  
 17 and the President, when the third shot hit  
 18 him he just went stiff like a board and  
 19 fell over to his left in his wife's lap,  
 20 and I told my wife, "That is it, hit the  
 21 ground," and that is when we hit the  
 22 ground because I thought the shots were  
 23 coming over our heads. And then I looked  
 24 back and I saw Mrs. Kennedy jumping up on  
 25 the back end of the car and the

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1                    Secret Service man or whoever it was into                    12  
2                    the car, and then they shot on off, took  
3                    off.  
4                    Q        Approximately how far were you from the  
5                    President when the third shot hit him?  
6                    A        I was the width of one lane, approximately  
7                    10 or 15 feet. I was standing on the  
8                    curb's edge, edge of the curb. They were  
9                    in the second lane.  
10                  Q        What was the reaction which you observed to the  
11                  President's head on the third shot?  
12                  A        The only reaction that I can recall -- I don't  
13                  recall whether his head went back or  
14                  forward, but I do recall when the impact  
15                  hit him that he just stiffened and he went  
16                  to the left, real hard to the left and  
17                  into her lap, and --  
18                  Q        From your position, did he come toward you or  
19                  away from you?  
20                  A        He went away from me.  
21                  Q        Did you give any statement to the Federal Bureau  
22                  of Investigation?  
23                  A        Yes, sir, I did, and also to the Sheriff's  
24                  Office after the assassination. A news  
25                  reporter carried me to the FAA, and then

from that point went to the Sheriff's  
Office and I give a written statement.

Q Were you called as a witness to the Warren  
Commission?

A No, sir. I wasn't.

MR. GARRISON:

Your witness, Mr. Dymond.

CROSS-EXAMINATION

BY MR. DYMOND:

Q Mr. Newman, would you again demonstrate just  
about how far to the right the President  
had his head turned when that third shot  
was fired?

A Well, at the time --

Q Just by moving your own head, if you will.

A Like I say, he was moving his head up to that  
point. At the time that he was hit he  
could have had it maybe in this position  
here (demonstrating).

Q I am referring now to the mockup of Dealey  
Plaza, --

A Yes, sir.

Q -- and I am pointing to the spot where you have  
indicated that you were standing.

A Yes, sir.

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1 Q Now, would it be approximately accurate to say  
2 that the President turned his head halfway  
3 to the right, right before that shot was  
4 fired?

5 A I don't -- could be possible, I don't think so.

6 Q Well, show us with your own head about how far  
7 he turned it.

8 A (Demonstrating) Well, I would say he might have  
9 had his turned at a -- I don't know how  
10 many degree angle, just about like so,  
11 just about like I am looking at the Jury.

12 Q Now, are you familiar with the area which has  
13 been commonly referred to as the grassy  
14 knoll area?

15 A Yes, sir, I am.

16 Q From the manner in which you saw the President  
17 turn his head, is it not a fact that had he  
18 had his head turned as you say it was, that  
19 it would have been impossible to hit the  
20 left ear area by firing shots from the  
21 grassy knoll?

22 MR. ALCOCK:

23 Objection, Your Honor. This man can't  
24 render an opinion. Mr. Dymond is  
25 asking this man for an opinion which

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this man is not able to render at the time.

MR. DYMOND:

If the Court please, I am speaking about nothing but angles here. This gentleman purports to know about approximately how far the President's head was turned. He is familiar with the area, knows where the grassy knoll area is, and certainly knows what a straight line from the grassy knoll area is.

THE COURT:

Rephrase your question.

MR. ALCOCK:

It still calls for opinion.

THE COURT:

Rephrase your question.

BY MR. DYMOND:

Q Based upon your knowledge, Mr. Newman, of the angle to which the President turned his head to the right, right before the third shot was fired, and knowing the location of the grassy knoll area, would a line projected from any place on the grassy



knoll area here have been able to hit the 16

President in the area of the right ear?

MR. ALCOCK:

Your Honor, that question is too

speculative, too broad. The grassy

knoll area is quite wide. What

position is Mr. Dymond talking about,

this so-called imaginary line?

MR. DYMOND:

If the Court please, --

MR. ALCOCK:

I think the question calls for opinion.

It is entirely too speculative.

MR. DYMOND:

If the Court please, we will take any

place on the grassy knoll area, if

that is the objection.

THE COURT:

I think the question is a good question,

but I wonder if the witness understands

it.

MR. DYMOND:

If he doesn't, I would be glad to explain

it.

THE COURT:

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1 Before you said the left ear, now you  
2 said the right. You changed your  
3 question yourself.

4 BY MR. DYMOND:

5 Q Do you understand my question, Mr. Newman?

6 A Yes, sir, to an extent. I would like to walk  
7 down to the mockup and see how big --

8 THE COURT:

9 You may explain any answer you wish to  
10 give.

11 Do you want to hear the question  
12 again?

13 THE WITNESS:

14 I know the question.

15 THE COURT:

16 Wait, gentlemen. If you have a little  
17 private conversation the Jury is not  
18 going to hear it.

19 THE WITNESS:

20 (Indicating) This is all the grassy knoll  
21 area, and it was my opinion or my  
22 thought from the noise, that the shots  
23 were coming from directly behind in  
24 here. I would say that the shots  
25 could have been fired from here, but

Reference copy, JFK Collection: HSCA (RG 233)

1 the further this way you go, the less  
2 likely it would have been.

18

3 BY MR. DYMOND:

4 Q I see. Now, from the parking lot area behind  
5 the grassy knoll -- I am referring to the  
6 area north of the building here  
7 (indicating) --

8 A Yes, sir.

9 Q -- would you say that a straight line projected  
10 from that area could have hit the  
11 President in the right ear in view of the  
12 angle?

13 A I would call this west (indicating). From this  
14 area, from the little building, I call  
15 that west. I would say that the President  
16 could have been shot -- you asked me if he  
17 could have been hit in that area,  
18 somewhere in this area -- I am going to  
19 say again the further this way the man or  
20 whoever it was that fired the shot, the  
21 less likely the bullet would have hit him.

22 Q In view of the angle?

23 THE COURT:

24 May I interrupt a second? Mr. Newman, the  
25 Jury has to hear what you say. If

Reference copy, JFK Collection: HSCA (R0 233)

they don't hear it, there is no use  
of you testifying.

19

BY MR. DYMOND:

Q In view of the angle at which you say

President Kennedy had his head at the time  
that the third shot was fired, is it not a  
fact that a straight line drawn from the  
Texas School Book Depository to his head  
could have hit him in the right ear area?

A I don't know. Now, I said that the President  
had his head at an angle. It could be that  
he had his head at a complete right angle  
to me also. I said that he was moving his  
head up to this point; whether his head was  
turned like so (demonstrating), or whether  
he was looking straight ahead in the car at  
the moment of the shot, I am led to  
believe in my own mind that he was looking  
more straight ahead than he was at an angle  
at the exact moment he was hit.

Q Mr. Newman, didn't you testify on Direct  
Examination that at the time of the third  
shot the President had his head turned to  
the right looking at the crowd?

MR. OSER:

1 Your Honor, the witness did not say that.

20

2 What the witness said --

3 MR. DYMOND:

4 I am asking whether he said it. This is  
5 Cross.

6 THE COURT:

7 Don't tell the witness what you thought  
8 he said, ask him if he said it or  
9 not, Mr. Dymond. He is under  
10 cross-examination.

11 MR. DYMOND:

12 That is exactly what I said.

13 MR. OSER:

14 Not --

15 THE COURT:

16 Let him answer the question.

17 MR. OSER:

18 He keeps making remarks.

19 MR. DYMOND:

20 May I ask the Court Reporter to read the  
21 question back?

22 THE COURT:

23 Read it back.

24 (Whereupon, the pending question was  
25 read back by the Reporter.)

1 THE WITNESS:

21

2 No, I said, or my intent was to say, the  
3 President coming -- as the motorcade  
4 approached us, the President was  
5 turning his head in this manner here  
6 (demonstrating) looking into the  
7 crowd. He was also turning his head  
8 straight forward and he was looking  
9 into the crowd as if he was looking  
10 for something or someone.

11 BY MR. DYMOND:

12 Q Oh, so actually --

13 A -- leading up to the point where he was shot.

14 Q So actually you don't know in what position the  
15 President's head was when the third shot --

16 A To be precise, I don't know the exact position.

17 MR. DYMOND:

18 That is all, Mr. Newman.

19 MR. GARRISON:

20 No questions.

21 THE COURT:

22 Is Mr. Newman released from the obligations  
23 of the subpoena?

24 MR. GARRISON:

25 Yes, Your Honor.

(Witness Excused.)



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I N D E X

WITNESS ..... DIRECT ..... CROSS .....

HERBERT ORTH ..... 2 ..... 11

E X H I B I T S

EXHIBIT NO. ..... IDENT. ..... OFFERED ..... REC'D. .....

S-53 ..... 10

S-54 ..... 10



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...oOo...

HERBERT ORTH,

a witness called by and on behalf of the State,  
having been first duly sworn, was examined and  
testified as follows:

DIRECT EXAMINATION

BY MR. ALFORD:

Q Sir, would you tell the Gentlemen of the Jury  
and the Court your name, please.

A My name is Herbert Orth.

Q Mr. Orth, would you be careful to speak into  
the microphone.

A Fine, fine.

Q By whom are you employed, Mr. Orth?

A LIFE Magazine.

Q In what capacity?

A Laboratory Chief of the TIME-LIFE Photo  
Laboratory.

Q Now, Mr. Orth, in connection with a subpoena  
issued by this court to LIFE Magazine,  
did you perform any function or develop  
any photographs?

A Yes, I did, yes.

Q What exactly did you do, sir?

A Well, over the -- recently or --

Q Yes, sir.

A Well, I was asked recently to --

MR. DYMOND:

Object to what he was asked to do.

Your Honor.

BY MR. ALFORD:

Q Can you explain to us what you did?

THE COURT:

Tell what you did without telling us who asked you to do it.

THE WITNESS:

All right.. From the original Zapruder film I was asked to --

MR. DYMOND:

Object to what he was asked to do.

THE COURT:

Just tell us what you did.

BY MR. ALFORD:

Q Mr. Orth, just tell us what you did.

A I made black and white prints and I made color prints and color slides.

Q Now, from what film or films were these made?

A From the original Zapruder film.

Q I see. Did you copy the entire film or did you make prints of the entire film or only

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portions of it?

A Only portions.

Q And what portions of this film did you reproduce in black and white prints?

A Well, the black and white --

MR. DYMOND:

If the Court please, we object to this entire testimony on the ground that it is irrelevant to the issues in this case.

THE COURT:

The objection is overruled.

MR. DYMOND:

To which ruling we reserve a bill, making the objection, the reason for it, the entire line of questioning, all the answers given by this witness together with all of the testimony and the record up until this point parts of the bill.

THE COURT:

You may proceed, Mr. Orth.

THE WITNESS:

The black and white prints were made many years ago, only for editorial use.

Reference copy, JFK Collection

1 the color prints were made recently. 5

2 BY MR. ALFORD:

3 Q I see. And what portions of the film do the

4 black and white prints purport to cover,

5 sir?

6 MR. DYMOND:

7 We object to this on the ground that the

8 prints speak for themselves, if the

9 Court please, rather than have the --

10 MR. ALFORD:

11 I will rephrase the question.

12 BY MR. ALFORD:

13 Q How many black and white prints do you have,

14 sir, in your possession?

15 A I have none, only color prints with me.

16 Q All right. How many color prints do you have?

17 A About 21 or 22 8 x 10 color photographs.

18 Q Do you have them in your possession at this

19 time?

20 A Yes, I have, in my brief case.

21 Q Would you please take them out, sir.

22 A Certainly (producing photographs).

23 Q How many of these photographs are there, sir?

24 A I believe there are either 21 or 22.

25 Q Would you count them, please.

6

NATIONAL BANK OF COMMERCE BLDG

BY MR. ALFORD:

Q Who placed the numbers on the pictures?

A I actually put these numbers on here personally.

**THE COURT:**

**Louder.**

**THE WITNESS:**

I put these numbers on there.

BY MR. ALFORD:

Q And what do they represent?

A They represent the frame numbers corresponding to the original 8-millimeter movie film.

Q. Thank you, sir.

A: You are welcome.

MR. ALFORD:

May it please the Court, in accordance with the subpoena duces tecum I would like the record to presently reflect that these photographs have been turned over to the Court.

BY MR. ALFORD:

Q Mr. Orth, do you have any slides in your possession at this time?

A. Yes, I do.

Q Would you please take those out.

A Yes, sir (producing slides).

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Q How many such slides do you have in your possession, Mr. Orth?

A From frame 200 to frame 320, so that would be 120 slides.

Q I see. And were these slides processed either by you personally or under your supervision?

A Yes, they were.  
(Slides exhibited to Mr. Dymond.)

BY MR. ALFORD:

Q Now, Mr. Orth, I notice that these slides also have on them a number. Could you please explain -- or did you personally place this number on these slides?

A No, not personally these numbers, but they were put on under my supervision.

MR. DYMOND:

Object.

MR. ALFORD:

He said they were put on under his supervision.

THE COURT:

What is the objection, Mr. Dymond?

MR. DYMOND:

I will withdraw that objection, Your Honor.





subpoena duces tecum, and, if it  
please the Court, at a later time  
we will number these items to be  
admitted in evidence.

THE COURT:

I would suggest you number them now.

Make them S-53 for the photographs  
for identification purposes, --

MR. ALFORD:

Very well.

THE COURT:

And S-54 for the slides, for identification  
purposes. --

MR. ALFORD:

Very well.

THE COURT:

-- so we will know what we are talking  
about for the record. They are not  
accepted in evidence at this moment.

MR. ALFORD:

Yes, sir.

(Whereupon, the photographs and  
slides identified by the witness  
were duly marked for identification  
as "S-53" and "S-54.")

MR. ALFORD:

The State has no further questions at  
this time.

CROSS-EXAMINATION

BY MR. DYMOND:

Q Mr. Orth, when you say that these prints were  
made, some of them were made under your  
supervision, now, precisely what do you  
mean by that?

A Well, they were all made under my supervision,  
in my capacity; some of them were made by  
myself. There are approximately seven  
people that at one time or another were  
involved, but everything came through me  
and I was directly involved in the entire  
procedure.

Q Well, when you say made under your supervision,  
do you mean that they were made by  
employees in an office of which you are  
chief or at the head of the office, or  
what?

A That is correct, yes.

Q Were you physically present during the making  
of each one of these prints, observing  
the mechanics of making each one of them?

Reference copy, JFK Collection.

1 A Yes, very much so. I can tell you why.

2 Q Go right ahead.

3 A The reason was the importance of the films.

4 We don't like to leave the film out of

5 our hands at any time, out of the

6 company vault. I signed them out of the

7 company vault, and therefore I was

8 responsible for it and I never left it

9 out of my sight as long as it was in the

10 lab, so while the film was being worked

11 on and while these prints were made I was

12 constantly there.

13 Q Would the same apply to the slides?

14 A Very much so, yes.

15 Q That is all, sir.

16 A Thank you.

17 THE COURT:

18 Do you have any further need of this

19 gentleman?

20 MR. ALFORD:

21 No, Your Honor.

22 THE COURT:

23 Thank you.

24 (Witness excused.)

25 MR. OSER:

1 Your Honor, if the Court please, may I  
2 request that besides Mr. Orth being  
3 excused from the subpoena, also time  
4 incorporated be excused from the  
5 subpoena?

6 THE COURT:

7 You are excused from the subpoena.

8 MR. OSER:

9 Your Honor, at this time, may it please  
10 the Court, the State asks for the  
11 luncheon recess, because at 1:30  
12 the State intends to put on its  
13 testimony in regard to these  
14 particular photographs, an expert  
15 witness. It is ten minutes to the  
16 hour now.

17 THE COURT:

18 Gentlemen of the Jury, we are now going  
19 to recess for lunch. Again I must  
20 instruct you and admonish you. You  
21 may be tempted, because of the  
22 duration of this trial, to want to  
23 talk to one another. I certainly do  
24 not have any objections to jurors  
25 conversing with one another, but

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certainly I must admonish you not to discuss the case, as tempting as it may be to do, not to discuss the case with yourselves or sheriffs or anyone else until it is finally given to you for your decision.

The Jury will be excused. We stand recessed for lunch and we will be adjourned to 1:30.

Mr. Shaw, you are excused under your bond.

. . . . Thereupon, at 11:50 o'clock a.m., a recess was taken until 1:30 o'clock p.m. . . . .

JFK ASSASSINATION SYSTEM

IDENTIFICATION FORM

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AGENCY INFORMATION

AGENCY : HSCA  
RECORD NUMBER : 180-10099-10060

RECORDS SERIES :  
NUMBERED FILES

AGENCY FILE NUMBER : 002027

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NICHOLS, JOHN  
ZAPRUDER, FILM

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PARISH OF ORLEANS

STATE OF LOUISIANA

STATE OF LOUISIANA

198-059

VERSUS

EXHIBIT NO.

IDENTIFIED

1426 (30)

OFFERED RECEIVED

CLAY L. SHAW

STATE EXHIBIT NO.

SECTION "C"

PROCEEDINGS IN OPEN COURT,

FEBRUARY 17, 1969 AND 24-19-1969

*Testimony of Dr. John Nichols*

B E F O R E: THE HONORABLE EDWARD A. HAGGERTY, JR.,

JUDGE, SECTION "C"

Dietrich & Pickett, Inc.

*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221

NEW ORLEANS, LOUISIANA 70130-522-3111

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
JOHN NICHOLS, M.D.	4, 51	54	82	84

E X H I B I T S

<u>EXHIBIT NO.</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>RECEIVED</u>
STATE EXHIBIT 54	--	21	21



1 AFTER THE LUNCHEON RECESS:

2

2 THE COURT:

3 I trust you gentlemen enjoyed your lunch  
4 today.

5 Is the State and Defense ready to proceed?

6 MR. ALCOCK:

7 We are ready.

8 MR. DYMOND:

9 Ready, Your Honor.

10 THE COURT:

11 Call your next witness.

12 MR. OSER:

13 The State would like to note for the  
14 record that in light of Time, Inc.,  
15 on the return of the subpoena, the  
16 subpoena called for 35 millimeter  
17 slides of Frames 200 to 320, and  
18 after checking the return made by  
19 Time, Inc., the State learns that  
20 Frames 234 through 244 are missing.  
21 This is a check by Mr. Alford and my-  
22 self.

23 THE COURT:

24 Where is the witness? You excused him?

25 MR. OSER:

1 Time has these things copyrighted and I 3  
2 wanted to note for the record that  
3 we did not receive those particular  
4 frames.

5 THE COURT:

6 You requested that you have them?

7 MR. OSER:

8 Yes, Your Honor.

9 THE COURT:

10 Why didn't you question the witness while  
11 he was here?

12 MR. OSER:

13 We did not go down and go through 120  
14 35MM slides, we assumed they were all  
15 here. I just want it noted for the  
16 record.

17 THE COURT:

18 If the gentleman is still in the City and  
19 he hasn't left, possibly you can have  
20 one of the Assistant District Attor-  
21 neys call Mr. Sessions and tell him  
22 about this and maybe it can be recti-  
23 fied while we are proceeding.

24 MR. OSER:

25 Mr. Sessions is not in his office, Your

Honor.

THE COURT:

Let's proceed with what you do have.

JOHN NICHOLS, M.D.,

having been first duly sworn by the Minute Clerk,  
was examined and testified as follows:

DIRECT EXAMINATION

BY MR. OSER:

Q Would you state your name for the record,  
Doctor, please.

A My full name is John Marshall Nichols.

Q Where do you live, Doctor?

THE COURT:

How do you spell that?

THE WITNESS:

N-i-c-h-o-l-s.

BY MR. OSER:

Q Where do you live, Doctor?

A I live at 8008 Reed Road in Prarie Village,  
Kansas, that is a suburb of Kansas City.

Q What is your profession, Doctor?

A I am a physician.

MR. OSER:

At this time the State is going to attempt

to qualify Dr. Nichols as an expert

1 in the field of pathology and in the  
2 field of forensic pathology.

5

3 THE COURT:

4 Proceed.

5 BY MR. OSER:

6 Q Doctor, from what university did you receive  
7 your undergraduate degree?

8 MR. DYMOND:

9 At this time we object to Dr. Nichols'  
10 testimony on the ground that it is  
11 irrelevant to the issues in this case.

12 THE COURT:

13 Objection overruled.

14 MR. DYMOND:

15 To which ruling Counsel reserves a bill of  
16 exception, making the questions pro-  
17 pounded to Dr. Nichols and answers  
18 given, the Defense objection, the  
19 reason for the objection, the Court's  
20 ruling, and the entire record, in-  
21 cluding all testimony up to this  
22 point, parts of the bill.

23 THE WITNESS:

24 West Virginia University.

25 BY MR. OSER:

1 Q And in what year was that?

2 A 1943.

3 Q Doctor, do you hold a PH degree?

4 A Yes, I do.

5 Q In what, sir?

6 A Well, that is from the University of North  
7 Carolina, Chapel Hill.

8 Q And do you hold any other degrees, Doctor?

9 A Well, I hold a degree of Bachelor of Medicine  
10 and Bachelor of Surgery from the Universi-  
11 ty of Liverpool --

12 THE COURT:

13 Would you speak a little louder, Doctor.

14 THE WITNESS:

15 An MD Degree from the University of

16 Liverpool, Bachelor of Medicine --

17 I have been ill in bed with a terri-  
18 ble cold.

19 BY MR. OSER:

20 Q Continue, Doctor.

21 A My medical degree is from the University of  
22 Liverpool in England, Bachelor of Medicine  
23 and Bachelor of Surgery and Doctor of  
24 Medicine, licentiate of the Royal College  
25 of Physicians and licentiate of Royal

1 College of Surgeons, and these two  
2 licentiates are equivalent to the American  
3 MD Degree.

4 Q Doctor, did you undergo any internship in the  
5 field of Pathology?

6 A Yes, I did, Yale University at New Haven,  
7 Connecticut.

8 Q How long was that internship in Pathology?

9 A Well, a year for the internship.

10 Q Did you do any residency in Pathology?

11 A Yes, at the Medical College of Virginia in  
12 Richmond.

13 Q Have you had any teaching assignments since  
14 becoming a doctor or do you --

15 A Well, at the present time I am Associate  
16 Professor of Pathology at the University  
17 of Kansas.

18 Q And prior to that?

19 A Well, prior to that I was Assistant Professor  
20 of Pathology and prior to that I was  
21 Instructor in Pathology at the Medical  
22 College in Virginia during my last year.

23 Q Can you tell us whether or not you are  
24 accredited by the American Board of  
25 Pathology?

1 A I passed every examination and I am so certi-  
2 fied.

3 Q Are you a consultant, Doctor, with any hos-  
4 pitals?

5 A Well, I am a consultant to the Veterans Hos-  
6 pital in Kansas City, officially, and  
7 there are pathologists in several other  
8 hospitals who ask my opinions from time  
9 to time, yes.

10 Q During your medical career, Doctor, have you  
11 had occasion to write any articles or  
12 pamphlets concerning the area of pathology?

13 A Well, I think I published approximately 50  
14 articles in various medical and scientific  
15 journals and I have written three chapters  
16 in three textbooks on pathology.

17 Q Have any of these articles appeared in the  
18 Journal of the American Medical Associa-  
19 tion?

20 A Yes, that is true, several.

21 Q During your career in the field of Pathology,  
22 can you tell us approximately how many  
23 autopsies you have done?

24 A I have personally done approximately 1,000  
25 autopsies.

1 THE COURT:

2 How many?

3 THE WITNESS:

4 Approximately 1,000, and I have super-  
5 vised the doing of approximately  
6 another 1,000, and I have assisted  
7 and participated, I suppose, in 250,  
8 these figures of course are approxi-  
9 mate.

10 BY MR. OSER:

11 Q Have you done any work, Doctor, with various  
12 types of surgical specimens removed from  
13 autopsies?

14 A Well, the surgical specimens that are removed  
15 from living patients on which the surgeon  
16 wants to know whether he is dealing with  
17 a cancer or not, yes, I suppose I have  
18 examined 35 or 40 thousand surgical speci-  
19 mens.

20 Q Doctor, have you ever been qualified as an ex-  
21 pert in the field of Pathology in any  
22 courts of the land?

23 A I testify somewhat regularly in the trial  
24 courts of Kansas.

25 MR. OSER:



1 I tender the Doctor on his qualifications 10  
2 as an expert.

3 THE COURT:

4 In Pathology and also Forensic Pathology?

5 MR. OSER:

6 Yes.

7 THE COURT:

8 Would you like to traverse the witness?

9 MR. DYMOND:

10 We have no questions on that, Judge.

11 THE COURT:

12 Is the matter submitted?

13 MR. OSER:

14 Yes, Your Honor.

15 THE COURT:

16 It is submitted by the State. I will rule  
17 that Dr. Nichols by his experience  
18 and training and studies is qualified  
19 as an expert in and can render his  
20 opinions in the field of Pathology  
21 and also in the field of Forensic  
22 Pathology.

23 BY MR. OSER:

24 Q Doctor, would you define for us what is known  
25 as the field of Pathology.

1       A       Well, the field of Pathology, as I interpret  
2               it, consists mainly of making microscopic  
3               diagnoses on patients, tissue removed  
4               from human patients in order that the  
5               surgeon may tell the patient he has a  
6               cancer and treat him appropriately or tell  
7               him he has a benign disease and treat that  
8               appropriately. I suppose that pathology  
9               is really divided into some subsections  
10              too, that would be forensic pathology,  
11              which deals with the acquiring of evidence  
12              with which to determine whether or not a  
13              crime has been committed and if a crime  
14              has been committed, then to assist in  
15              apprehending, convicting, the guilty,  
16              and acquitting the innocent, although  
17              there is another branch which I am relative-  
18              ly ignorant, this is clinical pathology  
19              and this consists mainly of running the  
20              blood bank and chemical tests on the  
21              blood and urine and things as that in the  
22              hospital, and I profess no degree of  
23              proficiency in that.

24       Q       Now, Doctor, am I correct in stating that you  
25               deal with the area of forensic pathology?

1           Is that correct?

2       A     Yes.

3       Q     Now, Doctor, have you had occasion to examine  
4           what is commonly known as the Zapruder  
5           film?

6       A     Yes, I have.

7       Q     Have you also had occasion, Doctor, to examine  
8           various 35MM slides of the Zapruder film?

9       A     Yes, I have.

10      Q     Likewise, Doctor, have you had occasion to  
11           examine various 8 x 10 color prints of  
12           the certain frames of the Zapruder film?

13      A     Yes, I have.

14           MR. OSER:

15           At this time, the State requests permis-  
16           sion to display the Zapruder film  
17           to Dr. Nichols.

18           MR. DYMOND:

19           We object, Your Honor, on the grounds that  
20           the film has been shown approximately  
21           six times already. We see no connec-  
22           tion between the showing of this film  
23           and the Doctor's expertise, and we  
24           further contend that it is irrelevant  
25           to the issues in this case. The

1 Doctor has further testified that  
2 he has seen the Zapruder film.

3 THE COURT:

4 I will overrule the objection.

5 MR. DYMOND:

6 To which ruling Counsel reserves a bill of  
7 exception, making the testimony of  
8 this witness, the questions propound-  
9 ed by the State, the Defense objec-  
10 tion, together with the reasons  
11 therefor, State Exhibit 37, and all  
12 of the record and testimony in this  
13 case up until now parts of the bill.

14 THE COURT:

15 I would like to make a statement. We are  
16 going to have a mass exodus in about  
17 30 seconds. Mr. Oser stated to me  
18 in the chambers that he wishes to go  
19 up to the screen and he wants the  
20 witness possibly to go to the screen,  
21 and he is being blocked by spectators  
22 being up around the edge of the chair  
23 there. The persons who want to get  
24 against the wall, they can do it now,  
25 but nobody is going to be permitted

1 to go right up to the front. We  
2 are trying to run this case proper-  
3 ly and I would request that they do  
4 not talk to one another or comment  
5 in any way about what is going on in  
6 court.

7 You are going to put it in slow motion?

8 MR. OSER:

9 In slow motion, Your Honor.

10 I will ask the Doctor to step down, please.

11 (Whereupon, the Zapruder film  
12 was shown.)

13 THE COURT:

14 Put the lights on, Sheriff.

15 Let the people get back to their seats.

16 BY MR. OSER:

17 Q Doctor, are you familiar with what you have  
18 just viewed on the screen as having seen  
19 this before?

20 A Yes, my memory is refreshed.

21 Q Doctor, I think you said before you viewed cer-  
22 tain frames, slides of certain frames of  
23 the Zapruder film. Is that correct?

24 A Yes, I have.

25 MR. OSER:

At this time the State requests permission to display to Dr. Nichols various 35MM slides of the Zapruder film.

MR. DYMOND:

These have not been offered into evidence, to the best of my knowledge.

THE COURT:

They have not as of this moment. They were marked for identification, as I recall, the prints were marked as "S-53," the slides were marked "S-54," and before you can show them to the Doctor, they will have to be received into evidence.

MR. ALCOCK:

How can the State lay the proper foundation for introduction unless they show them to the Doctor for identification? The purport was to enter them in globo and show them to the Doctor in the presence of the Jury.

THE COURT:

As you well know, if you make the offer, it is going to be shown to the Jury,

1 it should be seen by the witness  
2 before it is shown to the Jury. Now,  
3 if you wish, have you examined the  
4 slides yourself, Doctor?

5 THE WITNESS:

6 I think perhaps I have picked up one or two  
7 of them in my hands and looked at it  
8 against the light, and I have seen  
9 them thrown on the screen by his  
10 projector.

11 MR. ALFORD:

12 All of the slides were identified this  
13 morning as having been made from the  
14 original film.

15 THE COURT:

16 I am aware of that. I just want to know  
17 if the Doctor has been given an oppor-  
18 tunity to look at these slides since  
19 they were in the possession of Mr.  
20 Orth, to see if the slides are the  
21 slides that he used for whatever tests  
22 he made. He said he only looked at  
23 one or two --

24 MR. OSER:

25 Up to the light, Your Honor. I think the

1 Doctor also said he saw all of the  
2 slides projected on the screen, is  
3 that right, Doctor?

4 THE WITNESS:

5 Yes, I saw a rather large number, I did  
6 not count them all. I think I have  
7 seen them all, I did not make a count  
8 of them, though, or I did not initial  
9 them or identify each slide with a  
10 notation.

11 THE COURT:

12 Let's make the offer.

13 MR. EDWARD WEGMANN:

14 The slides just came from New York this  
15 afternoon.

16 MR. OSER:

17 Is the number "53"? I think "54" is the  
18 slides.

19 THE COURT:

20 Yes.

21 MR. OSER:

22 The State wishes to offer, introduce and  
23 file into evidence that which was  
24 previously marked for the purposes  
25 of identification "S-54," the 35MM



slides from Time, Inc.

MR. DYMOND:

We object to the introduction of these items, "53" and "54", first on the grounds that they are irrelevant to the issues, and secondly that the State, by introducing them, seeks to accentuate certain isolated portions of another exhibit in evidence.

THE COURT:

I overrule the objection.

Before I rule on Dr. Nichols testifying to the slides, I think it should be made evident, and I am afraid it will have to be done out of the presence of the Jury, that the Doctor is referring to the slides that you have in your possession.

MR. OSER:

Yes.

THE COURT:

That is what we did with Mr. Zapruder, if you remember.

Take the Jury upstairs, if you will, Sheriff.

MR. DYMOND:

1 Before the Jury leaves, Your Honor, I  
2 would like to reserve my bill of ex-  
3 ception to the last ruling of the  
4 Court, making the exhibits --

5 THE COURT:

6 I haven't accepted them into evidence yet.

7 MR. DYMOND:

8 Very well.

9 (Whereupon, the Jury was removed.)

10 MR. OSER:

11 I have two of these carrouseles. I want  
12 to show one first and half of another.

13 (Whereupon, the slides were shown  
14 to the witness.)

15 MR. OSER:

16 This is the place that is missing, Your  
17 Honor.

18 BY MR. OSER:

19 Q Doctor, having viewed the slides you just  
20 viewed, can you tell the Court whether or  
21 not you had seen these slides prior to  
22 this time?

23 A Yes, I have seen the slides earlier this morn-  
24 ing.

25 THE COURT:

1 Can you identify these slides as being  
2 the slides you used for whatever  
3 tests you made, whatever examination  
4 you made?

5 THE WITNESS:

6 Well, I can't identify the particular  
7 slides, the images are all the same.

8 MR. OSER:

9 I can show the Doctor the 8 x 10's while  
10 the Jury is not here.

11 THE COURT:

12 You might as well cover that point too.

13 BY MR. OSER:

14 Q I show you what the State marked for purposes  
15 of identification "S-53," --

16 MR. OSER:

17 Is that right, Your Honor?

18 THE COURT:

19 Yes.

20 BY MR. OSER:

21 Q This consists of 21 8 x 10 color photographs  
22 or prints, and I ask you to examine the  
23 photographs and inform the Court whether  
24 or not you have seen these photographs  
25 before.

1 A Yes, I have seen these photographs earlier  
2 this morning and I examined them.

3 MR. OSER:

4 All right.

5 THE COURT:

6 Bring the Jury in.

7 (Whereupon, the Jury was brought in.)

8 THE COURT:

9 You may proceed, Mr. Oser.

10 MR. OSER:

11 The State makes its offer as to "S-54,"  
12 the 35MM slides consisting of Frames  
13 200 to 320, missing is 235 through  
14 244.

15 MR. DYMOND:

16 To which we object for the reasons pre-  
17 viously stated, and also making a  
18 part of our bill the parts which  
19 were originally set forth.

20 THE COURT:

21 I overrule the objection and permit the  
22 exhibit to be received into evidence.

23 MR. DYMOND:

24 Your Honor, I would merely like at this  
25 time to request that the Court in-

1 quire of this witness as to his see- 22  
2 ing these slides and film early this  
3 morning, when we were waiting here  
4 right before lunch for Mr. Orth to  
5 get off the airplane with these  
6 things. We are somewhat at a loss.

7 MR. ALCOCK:

8 What significance does that have, Your  
9 Honor?

10 THE COURT:

11 The main thing, whether he saw them one  
12 second before he got on the stand or  
13 four hours, he has testified that he  
14 recognized them, that is the con-  
15 trolling factor.

16 MR. DYMOND:

17 He said he saw them earlier this morning,  
18 when did you see the film?

19 THE WITNESS:

20 Perhaps I used that wrong, perhaps I should  
21 have said I saw them earlier today.

22 THE COURT:

23 You reserve your bill on "54." Now, what  
24 about -- did you make an offer on  
25 "53" as yet?

1 MR. OSER:

2 The State wishes to offer, introduce,  
3 and file into evidence that which  
4 has been previously marked for  
5 purposes of identification "S-53,"  
6 8 x 10 color prints of certain  
7 frames of the Zapruder film. The  
8 said prints total 21.

9 MR. DYMOND:

10 We have the same objection to that offer-  
11 ing, making the exhibit, the objection,  
12 the offering, the testimony of this  
13 witness, the reasons for the objec-  
14 tion, the ruling of the Court, to-  
15 gether with all testimony and the en-  
16 tire record up to this time parts of  
17 the bill.

18 THE COURT:

19 I overrule the objection. I will permit  
20 the prints to be received into evi-  
21 dence.

22 MR. OSER:

23 At this time I would like to display the  
24 slides to the Doctor.

25 THE COURT:

1 We will have to set it up again, I agree  
2 with you, you will have to do it all  
3 over again. We are going to have  
4 this commotion again. Is it your  
5 purpose to play the slides now for  
6 the Doctor's benefit in front of the  
7 Jury, is that correct?

8 MR. OSER:

9 Yes.

10 THE COURT:

11 I will grant you permission to do so.

12 I just don't want to have all of this  
13 commotion every time. Sheriff  
14 Brocato, if the people wish to move  
15 over there, tell them to do it now  
16 with as least noise as possible.

17 MR. DYMOND:

18 We object to the seventh showing of this  
19 portion of the Zapruder film now on  
20 the slides on the grounds that it's  
21 prejudicial because of the number of  
22 times shown, because of the accentua-  
23 tion of particular portions of it,  
24 and further that it is irrelevant to  
25 the issues in this case.

1 THE COURT:

2 I would like to state -- let's have a  
3 little order, please, otherwise we  
4 are going to work it so that nobody  
5 leaves their seats. I am overruling  
6 the objection for two reasons. It  
7 refreshes the memory of the witness  
8 and the witness has been qualified  
9 as an expert and he needs this evi-  
10 dence to advise the Jury how he came  
11 to an opinion, so for that further  
12 reason, I am permitting the re-  
13 showing of the slides.

14 MR. DYMOND:

15 To which ruling Counsel reserves the bill,  
16 making the entire testimony of this  
17 witness, the Zapruder film, which is  
18 "S-37," the prints from the film,  
19 which is Exhibit No. -- what is that,  
20 "51" or "52"?

21 THE COURT:

22 "53" and "54" are the prints and the slides.

23 MR. DYMOND:

24 "53," and the slides which would be "S-54,"  
25 the reasons for the objection, and



the entire testimony and record up  
until this point parts of the bill.

MR. OSER:

I ask the Doctor can he see the screen  
from where he is.

THE WITNESS:

Well, I would prefer to have a better  
position, but I don't want to ob-  
struct the Jury.

THE COURT:

It would be better if you stepped down.

Are you ready, Mr. Oser?

MR. OSER:

Yes, Your Honor.

THE COURT:

Cut out the lights.

(Whereupon, the slides were shown.)

MR. OSER:

This is what is missing, Your Honor.

THE COURT:

You may proceed.

MR. OSER:

At this time, the State requests per-  
mission to display the 8 x 10 photo-  
graphs to the Jury.

1 THE COURT:

2 Any objection? They have already been  
3 received in evidence, you can show  
4 them to the Jury. Give half of them  
5 from this end so they can look at it  
6 here.

7 MR. OSER:

8 It breaks up the order of them.

9 THE COURT:

10 Oh, I see, it breaks up the sequence.

11 Well, I tell you, it is 21 photo-  
12 graphs, 14 men, for them to look at  
13 these photographs, that is going to  
14 take some time. Is there any objec-  
15 tion to -- is there any objection on  
16 the part of the Defense or the State  
17 to take a recess and let the Jurors  
18 take the pictures up to the room up-  
19 stairs?

20 Any objection?

21 MR. ALCOCK: Yes, your Honor.

22 Not by the State.

23 MR. DYMOND: Yes, your Honor.

24 Subject to my original objection on  
25 relevancy.

1 THE COURT:

2 We are going to take a recess and Jurors,  
3 let the Sheriff know when you are  
4 finished looking at the pictures and  
5 come down. I will try to get coffee  
6 to you as quick as possible.

7 (Whereupon, a recess was taken.)

8 AFTER THE RECESS:

9 THE COURT:

10 Sheriff, bring the Jury down, please.

11 You may proceed, Mr. Oser.

12 BY MR. OSER:

13 Q Doctor, I show you what the State has marked  
14 as "State Exhibit -- what is the next two  
15 numbers, Your Honor?

16 THE COURT:

17 You marked the photographs in globo, all  
18 of the prints as "S-53." Now, if you  
19 are going to --

20 MR. OSER:

21 I can use the alphabet.

22 THE COURT:

23 "S-53-A, B," whatever you have.

24 BY MR. OSER:

25 Q I show you a document which the State marks

1 "S-53-A" and "B," and I ask you if you  
2 recognize those two particular photo-  
3 graphs.

4 A Yes, I recognize these photographs.

5 Q I now show you what the State marks as  
6 "S-53-C," and I ask you if you recognize  
7 that photograph.

8 A Yes, I recognize this third photograph.

9 Q Doctor, using those three photographs, can you  
10 tell the Court whether or not you have  
11 examined those photographs as to anyone's  
12 body movement or possible reaction on  
13 these particular photographs?

14 A Yes, I have examined the body movements of the  
15 late President and the body movements of  
16 Governor Connally in these three photo-  
17 graphs.

18 Q Doctor, as an expert in the field of Pathology  
19 and Forensic Pathology, can you give your  
20 opinion as to the body reactions as you  
21 see them and the body movements of the  
22 President Kennedy as depicted on those  
23 three photographs?

24 MR. DYMOND:

25 To which question we object. This is com-

1                   pletely out of the scope of this  
2                   Doctor's expertise, to look at a  
3                   photograph and interpret the reactions  
4                   of a body, that is not pathological  
5                   work.

6                   THE COURT:

7                   I understand not only did the witness  
8                   examine the photographs, but he saw  
9                   the movies, the Zapruder film. Is  
10                  that correct?

11                 THE WITNESS:

12                 Yes, it is.

13                 MR. DYMOND:

14                 That is not within the field of --

15                 THE COURT:

16                 I overrule the objection.

17                 MR. DYMOND:

18                 To which ruling Counsel reserves a bill of  
19                 exception making the entire line of  
20                 questioning, the qualifications of  
21                 Dr. John Nichols as an expert, the  
22                 purpose for which he was offered as  
23                 an expert, the exhibits "State 53-A,"  
24                 "B" and "C," the Defense objection,  
25                 the reason for the objection, the

1 Court's ruling, and the entire record 31  
2 of the testimony up until now parts  
3 of the bill.

4 THE COURT:

5 Would you like to have the Court Reporter  
6 read the question?

7 THE WITNESS:

8 No, I know the question.

9 A In Exhibit "S-53-A," I notice that Governor  
10 Connally is sitting rather squarely in his  
11 seat looking forward and to the right. I  
12 notice that President Kennedy --

13 MR. DYMOND:

14 We object to this witness looking at the  
15 photographs and telling us what the  
16 photographs show. The photographs  
17 speak for themselves.

18 THE COURT:

19 He has been qualified as an expert to give  
20 his opinion. I overrule the objec-  
21 tion.

22 MR. DYMOND:

23 He is not a photographic expert, that is  
24 what he is trying to tell us here.

25 THE COURT:

1           You can reserve your bill.

32

2           MR. DYMOND:

3           We reserve a bill, making the parts  
4                   thereof the same as the bill which  
5                   I previously reserved on Dr. Nichols'  
6                   testimony.

7           THE WITNESS:

8           Continuing on, "Exhibit S-53-A," I notice  
9                   that the Presidential vehicle in  
10                  which President Kennedy is riding,  
11                  President Kennedy is emerging from  
12                  behind what appears to be a road  
13                  sign, he is reaching toward his throat  
14                  with his hand, and "Exhibit 53" --  
15                  "S-53-B," the automobile has proceed-  
16                  ed farther and has come further from  
17                  behind the sign and I notice that  
18                  Governor Connally still has the same  
19                  posture, the President is still reach-  
20                  ing for his throat with his right  
21                  hand, and Frame -- and "Exhibit 53,"  
22                  "S-53-C," the automobile has proceed-  
23                  ed further, he is almost completely  
24                  from behind the sign now, Governor  
25                  Connally is still squarely sitting in

1 his seat looking forward and clutch-  
2 ing what appears to be a hat in his  
3 right hand, President Kennedy is  
4 reaching towards his throat with both  
5 hands, and is leaning forward.

6 BY MR. OSER:

7 Q Doctor, having examined these photographs as  
8 well as having viewed the Zapruder film  
9 and the slides, do you have any expert  
10 opinion as to the reaction of President  
11 Kennedy as displayed in those three  
12 exhibits?

13 A President Kennedy is showing a typical reaction  
14 of pain in his throat.

15 MR. DYMOND:

16 We object on the grounds that the answer  
17 is not responsive to the question.  
18 He was asked if he had an opinion as  
19 to his reaction, not as to the cause  
20 of the reaction.

21 MR. OSER:

22 He said it was pain.

23 THE COURT:

24 I think being qualified as he has been,  
25 the Doctor can give his opinion as



1 to the causation of it, I overrule 34  
2 that.

3 MR. DYMOND:

4 He was asked what the reaction was.

5 THE COURT:

6 Rephrase your question.

7 BY MR. OSER:

8 Q Doctor, from having examined these three particu-  
9 lar exhibits, as well as the Zapruder film  
10 and the 35MM slides, do you have any  
11 opinion as to the cause of the reaction of  
12 President Kennedy as exemplified in those  
13 three exhibits?

14 A President Kennedy is probably reacting to pain  
15 in his neck.

16 Q Doctor, in those three exhibits that you now  
17 hold, do you have any opinion as to the  
18 reaction of Governor Connally in regards  
19 to pain?

20 A Governor Connally does not appear to be reacting  
21 to pain.

22 Q I now show you, Doctor, what the State has  
23 marked as "S-53-D," "E," "F," and "G,"  
24 and I ask you to review those photographs.

25 A Yes, the car in these photographs that you have

1 just cited has moved forward, a second ca:  
2 is coming into view, and "Exhibit 353-D,"

3 THE COURT:

4 "S-53."

5 THE WITNESS:

6 I am sorry, "S-53-D" and "E," I detect  
7 that President Kennedy is still re-  
8 acting to the pain and Governor  
9 Connally appears also to be reacting  
10 to pain and probably in "Exhibit S-53-E"  
11 he is expelling a gush of air out of  
12 his mouth and his cheeks are puffed  
13 upward, this is -- this puffing of the  
14 cheeks is more pronounced in "S-53-F,"  
15 and the Governor appears to be turn-  
16 ing to the side, to the right, and he  
17 is turning very pronounced to the  
18 right in the last exhibit, "S-53-G."

19 BY MR. OSER:

20 Q Doctor, can you tell the gentlemen of the Jury  
21 and the Court your expert opinion as to  
22 what would be the cause of Governor  
23 Connally's reactions as you see in those  
24 exhibits?

25 A I think it is very likely that he has sustained

1 a gunshot --

2 MR. DYMOND:

3 I object to this, Your Honor, that is  
4 completely outside of the realm of  
5 this witness's expertise, for this  
6 witness to sit here and tell you as  
7 to what probably caused the pain, in  
8 my opinion, it is so far out of  
9 bounds that it is just --

10 THE COURT:

11 Continue with your argument.

12 MR. DYMOND:

13 This witness purports to look at these  
14 photographs and tell us what caused  
15 the pain that he supposedly detects  
16 in these photographs.

17 THE COURT:

18 I agree with your objection, he can tell  
19 as an expert, he can give his opinion  
20 as to what caused the pain, but he  
21 cannot say unless he witnessed it  
22 what caused the pain.

23 MR. OSER: I have asked what caused the pain.

24 My question is not as to pain, it was as  
25 to reaction, not pain.

1 THE COURT:

2 He can give his opinion as to the reaction  
3 but not the cause of it. We don't  
4 know what could have caused it.

5 MR. DYMOND:

6 That is exactly the thrust of my objection.

7 MR. ALCOCK:

8 He being a forensic pathologist, wouldn't  
9 it be consistent with his experience  
10 in the field of forensic pathology,  
11 this would be consistent with pain  
12 produced by a gunshot? What is so  
13 unusual about an expert giving an  
14 opinion along those lines? No expert  
15 or very few actually view what hap-  
16 pened, they only see the effects of  
17 what happened. Any expert can give  
18 you his expert opinion as to what  
19 that cause was, this cause being a  
20 gunshot wound.

21 THE COURT:

22 The question could be rephrased as to what  
23 could have caused that, not what did  
24 cause it. When the Coroner takes the  
25 witness stand in most murder cases or

1 expert doctors are qualified, they  
2 can tell you what could have caused  
3 the wound, but not what did cause it,  
4 so if the question is rephrased, what  
5 could have caused it, I will permit  
6 it, otherwise I will not.

7 MR. DYMOND:

8 If the Court please, unless this witness  
9 is qualified to testify that he has  
10 some special training which enables  
11 him to detect the differences and  
12 the different causes of pain which I  
13 think is impossible, he would not be  
14 qualified to answer that.

15 THE COURT:

16 Rephrase your question and I will make a  
17 ruling on it, Mr. Dymond, and you can  
18 be heard. Will you rephrase your  
19 question.

20 BY MR. OSER:

21 Q Using the four photographs you now hold in your  
22 possession, as well as having viewed the  
23 Zapruder film and the 35MM slides, could  
24 you give your expert opinion as to what  
25 could have caused the reaction in

1 Governor Connally as displayed in those  
2 four photographs you now hold in your  
3 hand?

4 MR. DYMOND:

5 Objection, if the Court please. This  
6 Court should not be interested in  
7 what could have caused the pain, any-  
8 thing in the world that would be pain-  
9 ful could have caused pain, and that  
10 is just pure speculation.

11 THE COURT:

12 I overrule your objection, he can testify  
13 to that.

14 MR. DYMOND:

15 To which ruling Counsel reserves a bill of  
16 exception, making the State's ques-  
17 tion, the Defense objection, the rea-  
18 sons for it, the entire testimony of  
19 the witness, the exhibits "State 53,"  
20 and all of the testimony up until  
21 this time parts of the bill.

22 THE WITNESS:

23 I can very definitely and very conclusively  
24 say that Governor Connally is reacting  
25 to a stimulus, which stimulus probably

is pain.

BY MR. OSER:

Q Doctor, this stimuli that you speak of, that you just testified about, could this stimuli have been the gunshot wound?

MR. DYMOND:

I object to that, if the Court please.

THE COURT:

When one of you speak, wait until he finishes so I can understand.

MR. DYMOND:

I object to that on the grounds it is completely outside the scope of this witness's qualifications and the question calls for a pure assumption.

THE COURT:

I overrule the objection.

MR. DYMOND:

The same bill with the same parts as the bill previously reserved.

THE WITNESS:

It would be the impact of the bullet and striking the Governor.

BY MR. OSER:

Q I show you what the State marks for identifica-

tion, "S-53-H" through "S-53-M," and I ask you to take a look at those photographs, if you would, please.

A Yes, the automobile, with the Governor and the President has proceeded further on its course, and in "S-53-H," Governor Connally appears to be in more extreme pain, the President is still clutching his throat, he is leaning forward and to the left, and he is being attended to by his wife. Now, in "S-53-I," the photograph is of a much poor quality than the previous one, it is blurred, it appears that the President's head, the first half of his head is exploding, and the next picture, "S-53-J," it shows essentially the same thing, the bloodiness and the red character of the explosion about his head is much less in size, and in "S-53-K," it appears that the President's head and his shoulders have moved backwards. This still seems to be apparent in "S-53-L," and Governor Connally is still in his apparent condition of pain, leaning on his wife and the President's wife is attempting



1 to hold her husband in an erect posture,  
2 and "S-53-M," it appears that the Presi-  
3 dent has moved still further backwards,  
4 his shoulders and his head, and the halo  
5 of explosion about his head is no longer  
6 apparent, but there appears to be a  
7 rather horrible flesh wound, this is the  
8 sum and substance of what I reviewed.

9 Q Doctor, from having viewed the photographs you  
10 now hold as well as the Zapruder film and  
11 the 35MM slides, could you state as an  
12 expert, Doctor, as to what the cause of  
13 the red halo or the red effect around  
14 President Kennedy's head was caused by as  
15 well as his backward movement as you have  
16 described?

17 MR. DYMOND:

18 We again object on the grounds that this  
19 is outside the field of this Doctor's  
20 qualifications, and secondly it is  
21 irrelevant to the issues in this case.

22 THE COURT:

23 I will overrule the objection.

24 MR. DYMOND:

25 The same bill with the same parts as the

1 previous two bills.

2 THE WITNESS:

3 I think this depicts the effect of the  
4 gunshot wound, a bullet striking the  
5 President in the head.

6 BY MR. OSER:

7 Q From having viewed this data, Doctor, can you  
8 give us an expert opinion as to the di-  
9 rection from which the President's head  
10 was struck?

11 MR. DYMOND:

12 We strenuously object to such a question  
13 as this. This Doctor is not quali-  
14 fied to answer such a question.

15 THE COURT:

16 I overrule your objection, Mr. Dymond.

17 MR. DYMOND:

18 To which ruling Counsel reserves a bill of  
19 exception, the same parts as the bills  
20 previously reserved.

21 THE WITNESS:

22 Having viewed the Zapruder film, the  
23 individual 35MM frames and the particu-  
24 lar exhibits here, I would say that  
25 this is compatible with a gunshot

1 having been delivered from the front.

2 BY MR. OSER:

3 Q Now, Doctor, in speaking of the exhibits that  
4 you identified before, and I am speaking  
5 now of "State Exhibit 53-B" and "State  
6 Exhibit 53-G," in using "State Exhibit  
7 53-B," can you tell us again whether or  
8 not President Kennedy is responding or  
9 reacting to any stimuli?

10 A In my opinion, he is reacting to a stimuli in  
11 his neck and that stimuli is probably  
12 pain.

13 Q Now, in "53-B," the one you now hold, can you  
14 tell us whether or not Governor Connally  
15 is reacting to any stimuli in "53-B"?

16 A In "53-B," Governor Connally is not reacting to  
17 stimuli.

18 Q Now, referring to "53-G," can you tell us whether  
19 or not President Kennedy is reacting to  
20 stimuli?

21 A President Kennedy is reacting more intensely  
22 to a stimuli.

23 Q Can you tell us whether or not Governor Connally  
24 is reacting to a stimuli?

25 A Governor Connally in my opinion is reacting to

1 a stimuli.

2 Q If, Doctor, using "53-B," if President Kennedy  
3 was reacting to a stimuli at that particu-  
4 lar time, and the same stimuli would have  
5 caused Governor Connally to react, how  
6 fast, in your opinion, Doctor, would  
7 Governor Connally have reacted to the same  
8 stimuli applied to President Kennedy?

9 MR. DYMOND:

10 I object, Your Honor, on the grounds that  
11 the hypothet is going outside the  
12 scope of the evidence.

13 THE COURT:

14 In which way?

15 MR. DYMOND:

16 If the Stenographer will read the question  
17 back, I will point out in which way.

18 I assume the Court heard it.

19 THE COURT:

20 I overrule the objection.

21 MR. DYMOND:

22 To which ruling Counsel reserves a bill of  
23 exception, making the question, the  
24 reason for the objection, the Court's  
25 ruling, the entire testimony and

1 record up until this point, parts of  
2 the bill.

3 A JUROR:

4 Could the Jury have five minutes?

5 THE COURT:

6 Take the Jury upstairs.

7 (Whereupon, a recess was taken.)

8 AFTER THE RECESS:

9 THE COURT:

10 Can I have a little order in the Court,  
11 please.

12 Gentlemen, we are going to recess until  
13 Wednesday morning, and Dr. Nichols  
14 will be asked to return at 9:00 a.m.  
15 Wednesday morning.

16 I want to make mention to the Jurors that  
17 I was lucky enough, I have a place  
18 for you all to see the Rex Parade  
19 and the Krewe of Orleans, and after  
20 that is finished, you will be brought  
21 back. I made arrangements for you  
22 all to be able to see the whole Rex  
23 Parade and the Krewe of Orleans, so  
24 that may break up the monotony that  
25 I know you are suffering.

1 Where is the Sheriff in charge of the  
2 Jury?

3 I have some notes I want to give to the  
4 Sheriff.

5 It is about 22 minutes to 5:00, and they  
6 are not here available to take the  
7 Jury, you say?

8 Let everybody have a seat for a moment,  
9 Sheriff.

10 Now, in connection with tomorrow, let me  
11 mention one or two things. We are  
12 going to have about seven or eight  
13 Sheriffs with you, and please do not  
14 let anyone try to make a mockery or  
15 a joke because we are trying to  
16 accommodate you, I don't want any  
17 persons talking to you in any way.  
18 If they want to throw doubloons or  
19 things at you, you can catch them,  
20 but I don't want to have a spectacle  
21 made because we are letting you see  
22 the parade, but you will be far enough  
23 away from the street. You are going  
24 to be on a balcony at a home, the lo-  
25 cation of the home I don't want to

1 let out now because it will be found  
2 out soon enough when it happens to-  
3 morrow, but I think it will be nice.  
4 The Sheriff will get sandwiches and  
5 chairs and whatnot so you will have  
6 food at the place.

7 You should be there from about 9:30 until  
8 2:30 or 3:00, and you will be brought  
9 back to the motel.

10 (Discussion off the record.)

11 THE COURT:

12 I have arranged for a doctor to come check  
13 this evening around 6:00 o'clock.

14 All right. I suggest that you take the  
15 Jury, and again I must admonish you,  
16 as I have done so many times, do not  
17 discuss the case amongst yourselves  
18 or with anyone else until it is  
19 finally submitted to you for your  
20 verdict in the case.

21 Let everybody have a seat. Take charge  
22 of the Jury and you, Mr. Shaw, you  
23 are released under your same bond.  
24  
25

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.....  
STATE OF LOUISIANA . 198-059  
VERSUS . 1426 (30)  
CLAY L. SHAW . SECTION "C"  
.....

PROCEEDINGS IN OPEN COURT,  
WEDNESDAY, FEBRUARY 19, 1969

B E F O R E: THE HONORABLE EDWARD A. HAGGERTY, JR.,  
JUDGE, SECTION "C"

**Dietrich & Pickett, Inc.**  
*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130-522-3111



1 THE COURT:

2 I trust you Gentlemen had a nice Carnival.

3 Is the State and the Defense ready to  
4 proceed?

5 MR. OSER:

6 We are, Your Honor.

7 MR. DYMOND:

8 Yes, Your Honor.

9 MR. OSER:

10 I think we left off with a question being  
11 propounded to the Doctor.

12 JOHN NICHOLS, M.D.,  
13 having been sworn and having testified previously,  
14 resumed the stand for a continuation of the

15 DIRECT EXAMINATION

16 BY MR. OSER:

17 Q I will ask the Reporter to read the question  
18 where we left off the other day.

19 (Whereupon, the question was read  
20 by the Reporter.)

21 THE WITNESS:

22 May I see the two exhibits again, please?

23 I would like to correct the word "stimuli,"  
24 that is plural. I should have used  
25 the word "stimulus."

51  
THE COURT:

I think Mr. Oser was using it plural.

Originally you used the word  
"stimulus."

THE WITNESS:

In answer to that question, I would say  
Governor Connally would have re-  
acted almost exactly 7/5,670 of one  
second later than President Kennedy.

BY MR. OSER:

Q I show you what has been marked as "S-53-I,"  
and I ask you if you would describe what  
is depicted in that photograph, please.

MR. DYMOND:

The photograph speaks for itself.

THE COURT:

Would you rephrase your question.

BY MR. OSER:

Q Doctor, would you state for the Court as an  
expert, what is your opinion as to the  
body movements and reactions of President  
Kennedy as depicted in that photograph.

A I cannot tell any body movements from this  
single photograph, I would have to compare  
it to the preceding photographs and subse-

quent photographs.

Q I show you, Doctor, what the State marked as  
"S-53-H" and "S-53-M," and --

MR. DYMOND:

Excuse me, Doctor. If the Court please,  
we object to this testimony on the  
grounds that it is beyond the scope  
of the expertise of this witness.

THE COURT:

I overrule the objection.

MR. DYMOND:

To which ruling Counsel reserves a bill of  
exception, making the entire testi-  
mony up until this point, the objec-  
tion, the ruling of the Court, the  
reasons for the objection, the wit-  
ness's testimony, parts of the bill.

THE COURT:

The Doctor has examined all of the photo-  
graphs, he can use any one of them to  
give his opinion on. You may pro-  
ceed.

THE WITNESS:

Comparing "S-53-I" and "S-53-M," it is  
apparent that the President's head

1 and shoulders have moved to the rear  
2 in "S-53-M."

3 BY MR. OSER:

4 Q Now, Doctor, as an expert, and having viewed  
5 those particular 8 x 10 enlargements and  
6 35MM slides, Frames 200 through 320,  
7 excluding those that are missing, 234  
8 to 244, and having seen the Zapruder film,  
9 I ask you, Doctor, as an expert, what is  
10 your opinion if a stimulus was applied to  
11 the rear of President Kennedy's head,  
12 as to -- correct that, if a stimulus had  
13 been applied to the rear of President  
14 Kennedy's head at the time of "S-53-I,"  
15 what in your opinion as an expert would  
16 have been President Kennedy's reaction  
17 to a stimulus applied to the rear?

18 A If the proposed stimulus applied to the rear  
19 is the same magnitude as the stimulus  
20 apparently delivered from the front, then  
21 his head and body would have moved to the  
22 front.

23 MR. OSER:

24 I tender the witness.

25 CROSS-EXAMINATION

54  
1 BY MR. DYMOND:

2 Q Were you in Dallas, Texas, on November 22, 1963?

3 A No, I was in my research lab.

4 Q You did not witness the assassination. Is that  
5 correct?

6 A That is correct.

7 Q Now, what is your usual procedure in conducting  
8 an autopsy where it appears that the  
9 death was caused as a result of a head  
10 wound?

11 A In conducting the autopsy I would start by  
12 X-raying the body completely in two planes,  
13 anterior-posterior and lateral, and after  
14 these were developed and after I studied  
15 them, during this time of course I would  
16 be taking those photographs with black  
17 and white camera and with a color camera,  
18 and I would be making measurements of  
19 various points, I would be making measure-  
20 ments of various lesions which might have  
21 been involved, and having then studied the  
22 X-rays, I would have proceeded along the  
23 lines indicated, which would of course  
24 include a full, complete and total examina-  
25 tion. We would dissect the body and get

1 all of the disease or affected parts out,  
2 and make microscopic slides of these,  
3 make detailed drawings with measurements,  
4 and after all was put together, it would  
5 probably be a month before I would be able  
6 to issue a final diagnosis; however, in  
7 most gunshot wounds one is able to issue  
8 a provisional diagnosis shortly after you  
9 finish with the body, but to do the com-  
10 plete autopsy, it requires considerable  
11 time.

12 Q So ordinarily it would take a month or more  
13 to perform an autopsy. Is that correct?

14 A Well, with a gunshot wound it is reasonable,  
15 and if there are no complicating factors  
16 otherwise, it is reasonable it could be  
17 done within a month, yes.

18 Q How would you go about determining the point  
19 of entrance and the point of exit of a  
20 gunshot wound in the head?

21 A It depends an awful lot upon the nature of  
22 the gunshot wound, if it is a small  
23 it is relatively simple, if it is something  
24 such as a 6.5 Manlicher Carcana, it is a  
25 little more difficult, but you use every

1 bit of evidence that you have on hand.

2 Q Well, tell us some of the procedures which  
3 you would ordinarily follow in doing that  
4 in conducting an autopsy.

5 A Oh, if motion pictures had been taken of the  
6 subject during the assassination, I would  
7 study those first, and I would have eye-  
8 witness testimony, and then sometimes a  
9 small caliber --

10 Q We are talking about a 6.5 --

11 A Every situation is different, and I have to go  
12 with what we have at hand.

13 Q Ordinarily, now, Doctor, is it your testimony  
14 you would not examine the remains of the  
15 person shot in connection with determining  
16 the point of entrance and exit?

17 A No, I didn't say that at all, I say we do a  
18 complete total autopsy.

19 Q Now, what does this complete total autopsy  
20 consist of which you would perform under  
21 these conditions?

22 A It consists of first X-raying the body com-  
23 pletely, anterior-posterior, front and  
24 back, and then side pictures, from the  
25 side, localized missiles, and then for

1 the sake of completeness it requires  
2 taking gross photographs of the body for  
3 identification, for the position of wound,  
4 such things as that, and then it involves  
5 a dissection, getting out all of the parts  
6 involved, and it includes fixing the  
7 tissues in formaldehyde to allow them to  
8 become hard, and after they become hard  
9 we dissect these very carefully using  
10 sometimes a low-power microscope, and we  
11 separate and submit the appropriate parts  
12 to technicians to make slides, and after  
13 the slides come back we study them under  
14 a microscope. In the case of a brain, it  
15 is necessary to fix the brain in formalde-  
16 hyde for two weeks until it becomes hard,  
17 to dissect, and if you try to dissect a  
18 fresh brain it falls apart, putting the  
19 whole thing together at the end.

20 Q Would you examine and take into consideration  
21 the physical characteristics and condition  
22 of the remaining parts of the skull of  
23 someone?

24 A Yes.

25 Q Now, Doctor, did you examine any X-rays of the



remains of President Kennedy?

A I requested to do so, sir, but I have been denied that privilege. I have requested on many occasions to do so in telegrams and registered letters.

Q But you have not examined these X-rays. Is that correct?

A Not yet.

Q Doctor, have you ever before performed an autopsy without having reviewed the remains of the person upon whom the autopsy was being performed?

A I have expressed opinions on such autopsies to some lawyers who come to my office.

Q You have never actually performed one without having examined the subject?

A You cannot perform an autopsy by remote control.

THE COURT:

Never mind, proceed.

BY MR. DYMOND:

Q Doctor, when was the first time that you saw the Zapruder film in its entirety?

A I suppose it was about two weeks ago.

Q Two weeks ago, where did you see that?

1 A At the Townhouse Motel in Kansas City.

2 Q And you saw a complete --

3 A I beg your pardon, I saw it in the Pathology  
4 Department in Kansas City, in the projec-  
5 tion room.

6 Q You saw a complete running of the Zapruder film  
7 at that time?

8 A Yes, the Zapruder film that I saw here was  
9 complete as compared to the one I saw in  
10 Kansas City, yes.

11 Q When was the first time that you examined blown-  
12 up slides or prints of the Zapruder film?

13 A I suppose it was about 11:30 Monday morning.  
14 Perhaps 12:00, I don't know exactly.

15 Q Now, Doctor, the opinions which you have ex-  
16 pressed here in your testimony, is it not  
17 a fact that you expressed the same opinions  
18 in an article offered by you in the  
19 Archives of Pathology back in 1967?

20 A Oh, no, not at all.

21 Q In what way does the opinion differ?

22 A May I see the article, please?

23 Q I don't have the article.

24 A It does not exist, sir.

25 Q You haven't written any article for the

Archives of Pathology?

A Yes, I have written --

Q None pertaining to the assassination of  
President Kennedy?

A None, sir, I have never written an article  
pertaining to the assassination of  
President Kennedy anywhere.

Q You never have?

A No.

Q You have no published work --

A No published work on the assassination of  
President Kennedy.

Q Doctor, do you hold yourself out as a ballistics  
expert?

A In the case of the assassination of President  
Kennedy, I have conducted experiments,  
yes, this consisted of purchasing 6.5  
Manlicher Carcana ammunition, I have fired  
this into human wrists and into human ribs.  
I have recovered the bullets, yes, I pro-  
claim a degree of proficiency in ballistics  
to this extent.

Q What formal training have you had in the field  
of ballistics, Doctor?

A Well, this consisted of a one-hour lecture, I

1           suppose it was a lecture in Medical School  
2           and I have attended ballistics experts  
3           examining other bullets at the College  
4           of Virginia, I have talked with many po-  
5           lice officers, I have identified bullets  
6           and have testified to them on those  
7           points, yes.

8       Q     On the basis of that, you consider yourself  
9           a ballistics expert?

10    A     I consider myself an expert in the field of  
11           ballistics as I have testified in this  
12           Court.

13    Q     What formal training in the field of ballistics  
14           have you had on the ballistics points  
15           in which you have testified in this Court?

16    A     I have created my own, sir, my experience.

17           I chronographed the speed of a bullet  
18           emerging at 1,890 feet, at a distance of  
19           30 feet, then I would catch these bullets  
20           and I would also shoot through human wrists  
21           and ribs and catch the bullets and I would  
22           compare them, sir. The bullets coming  
23           through the wrists and through the rib,  
24           injuries similar to Governor Connally's,  
25           were mutilated whereas bullets otherwise --

1 bullets traversing a rib and a wrist  
2 producing wounds similar to that sustained  
3 by Governor Connally are mutilated bullets  
4 whereas bullets that are merely shot into  
5 a mattress in which I checked them, they  
6 are pristine. I have, sir, copyrighted  
7 results of my work here. May I show them  
8 to you, please?

9 Mr. Oser, do you have the --

10 THE COURT:

11 Do you have them?

12 MR. OSER:

13 We can send for the Doctor's briefcase,  
14 which is down in my office.

15 MR. DYMOND:

16 Actually, Your Honor, I am not interested  
17 in these.

18 THE WITNESS:

19 I have them right here, though.

20 THE COURT:

21 I think he has a right to give an answer.

22 THE WITNESS:

23 Perhaps we can give a better answer to  
24 the Jury if I could set up the slides  
25 and project them onto the screen.

1 MR. DYMOND:

2 If the State wants him to do that --

3 MR. ALCOCK:

4 This is in response to his question, Your  
5 Honor.

6 MR. DYMOND:

7 Anybody can copyright anything that is  
8 unique and original.

9 THE COURT:

10 I think the Doctor can give you a yes or  
11 no answer and tell you and show you  
12 what training he did have.

13 MR. DYMOND:

14 Training, yes.

15 THE COURT:

16 That is what he is trying to do.

17 MR. DYMOND:

18 I am willing to hear testimony about  
19 training, that is what I have asked  
20 for, but a man writing an article  
21 does not constitute training.

22 THE COURT:

23 Wouldn't the articles denote yes or no,  
24 whether he did have any training in  
25 the subject?

64  
65

1 MR. DYMOND:

2 I have never heard or seen of the arti-  
3 cles.

4 THE COURT:

5 Tell of your training without going into  
6 the articles.

7 THE WITNESS:

8 No such article exists, it is a figment  
9 of somebody's imagination. My train-  
10 ing, sir, in the field of ballistics  
11 consists of a one-hour lecture,  
12 conferences with ballistics experts  
13 in the office of the Chief Medical  
14 Examiner, Richmond, Virginia, it  
15 consists also, sir, of my own studies,  
16 which is training, with a Manlicher  
17 Carcana Rifle, 6.5 ammunition, being  
18 fired into human wrists and ribs and  
19 collecting the bullets, this is train-  
20 ing, sir, and this is the result of  
21 it, and with Your Honor's permission,  
22 I would like to show these to the  
23 Jury in detail.

24 THE COURT:

25 I think you have answered the question.

1 I say he has answered the question.

2 MR. DYMOND:

3 I think so.

4 BY MR. DYMOND:

5 Q In other words, Doctor, your training consists  
6 of a one-hour lecture that you have  
7 attended, having spoken to police officers  
8 about ballistics and some experiments that  
9 you yourself conducted. Is that right?

10 A That is partly.

11 Q What else is there to it?

12 A Well, discussing the matter and a rather ex-  
13 tensive course of self-taught ballistics  
14 in this particular matter extending over a  
15 period of two years, sir.

16 Q Have you ever qualified as a ballistics expert  
17 in any court in the country?

18 A To the extent that I would identify missiles  
19 removed at autopsy.

20 Q What do you mean, identifying missiles which  
21 have been removed from a body by you or  
22 by someone under your direction?

23 A By myself, sir.

24 Q You call that being a ballistics expert?

25 A No, that is the extent I have qualified in



1 court.

2 THE COURT:

3 It would depend on the Judge whether or  
4 not you would have been qualified,  
5 it is not what a person himself  
6 thinks he would be. It is what his  
7 qualifications are assessed in court  
8 by the court.

9 BY MR. DYMOND:

10 Q Do you hold yourself out as a photograph ex-  
11 pert?

12 A Yes.

13 Q Would you tell us the extent of your training  
14 in photography.

15 A The extent of my training started, sir, I sup-  
16 pose, when I was about ten years old,  
17 I purchased or was given a camera and I  
18 had many cameras since then, I have access  
19 to a far range of cameras within the  
20 pathology department of the University of  
21 Kansas and they are used for the specific  
22 purpose of identifying wounds on human  
23 bodies, living persons or dead persons,  
24 and I teach this to medical students and  
25 residents and I take the pictures myself of

1 my own autopsies and on other autopsies  
2 I supervise, the residents take their  
3 pictures.

4 Q What formal training in photography have you  
5 had?

6 A I have never had a minute of formal training  
7 as far as anybody giving me lectures,  
8 but the results speak for themselves.

9 Q Now, do you know how many frames per second  
10 are run by the Zapruder film?

11 A I think it was described to me in the courtroom  
12 as being 18 and 3/10ths, sir.

13 Q Was that the first time you knew the speed of  
14 the Zapruder film?

15 A I don't know what the speed is yet, sir.

16 Q You don't, you don't know how many frames per  
17 second?

18 A I am assuming that is correct.

19 Q When did you start assuming that, Doctor?

20 A Well, I really don't know, I suppose a couple  
21 of years ago.

22 Q Didn't you say that you had learned here in this  
23 courtroom it was 18.3 per second?

24 A I think it was confirmed to me, I am not sure  
25 it is 18.3.

23 A As far as Frames 313, 314 and 315, I have  
24 assumed that the speed of the limousine  
25 was practically constant, I did not know.

1 sir.

2 Q You said practically constant?

3 A Within those three frames, yes. I do not think  
4 it had accelerated or any deceleration  
5 in those three frames.

6 Q Do you know what the speed of the limousine  
7 was?

8 A No, sir.

9 Q Do you know whether it was going fast or slow  
10 at the time of the assassination?

11 THE COURT:

12 I am not trying to assist the witness, but  
13 can you tell us what you mean by  
14 "fast," or what you mean by "slow"?

15 MR. DYMOND:

16 If the Court please, I am talking to an  
17 expert here.

18 THE COURT:

19 But your question is confusing.

20 MR. DYMOND:

21 I am trying to find out whether he has  
22 any idea as to the speed, Your Honor,  
23 which apparently he does not.

24 THE COURT:

25 If the State objects, I will sustain the

objection that the question is not properly before the witness. It is not a proper question, was he going fast or slow.

BY MR. DYMOND:

Q Do you know how fast the limousine was going?

A No.

Q Do you know how fast it was going in Frame 310?

A No, sir.

Q 311?

A No.

Q 312?

A Nowhere do I know how fast the limousine was going.

Q Nowhere in the Zapruder do you know how fast the limousine was going?

A No, sir.

Q Do you have any idea as to the relative speed as between given frames of the Zapruder film?

A No, sir.

Q Doctor, would you testify the sudden acceleration of a vehicle would not throw an occupant back?

A It did not throw the other occupants back, sir.

1 Q It did not?

2 A It did not.

3 Q You are sure about that?

-4 A It is demonstrated with the Zapruder film it  
5 did not, sir.

6 Q And you did not take into account any accelera-  
7 tion or speed?

8 A I assume it did not because the other occupants  
9 retained their relative positions.

10 Q Are there any other assumptions upon which your  
11 testimony has been based?

12 A Not at the present time. You might drag out  
13 some that I am not aware of.

14 Q Well, Doctor, it's your testimony, don't you  
15 know whether it was based on assumptions?

16 A Well, the sun striking the object from the  
17 camera, I don't know whether it was  
18 Kodachrome film, I don't know the details  
19 of the development, no, I don't know these  
20 things.

21 Q What was the speed and direction of the wind  
22 in Dallas at the time of the taking of  
23 Frame 313?

24 MR. ALCOCK:

25 The man said he was not in Dallas.

1 MR. DYMOND:

2 I will change the form of the question.

3 BY MR. DYMOND:

4 Q Did your calculations take into account the  
5 speed and direction of the wind in Dallas  
6 at the time Frame 313 was taken?

7 A The speed and direction of the wind as related  
8 to the traversing of the bullet path are  
9 insignificant, sir.

10 Q Doctor, please answer the question, and if you  
11 didn't understand it, I will have it read  
12 back.

13 A No, I did not take those into account. If you  
14 will tell them to me, I will take them in-  
15 to account.

16 Q You have not taken them into account up until  
17 now, right?

18 A No, but, if you will, I will do so.

19 Q That's up to you, sir. Now, Doctor, is there  
20 such a thing as a delayed reaction to  
21 pain?

22 A If a person is unconscious or under anesthesia,  
23 yes.

24 Q Would you say that is the only condition under  
25 which that could occur?

1 A It depends on your definition of "delayed,"  
2 sir.

3 Q Have you ever heard of a person having been  
4 stabbed or shot and not realizing that  
5 anything happened to him?

6 A Not realizing it in the cerebral cortex of his  
7 brain, that is correct.

8 Q Have you ever heard of a person stabbed or shot  
9 and not showing any immediate reaction to  
10 it?

11 A Not in a normal person riding in an automobile  
12 with the attention of a crowd, waving to  
13 the crowd, no, sir, I do not.

14 Q Have you ever seen a person waving in an auto-  
15 mobile to a crowd shot?

16 A No, I haven't, sir.

17 Q Have you made any investigation into the  
18 normalcy of the people shot on November 22,  
19 1963, in Dallas?

20 A In relation to the President I have, sir, yes.

21 Q What?

22 A He was normal, sir.

23 Q In all --

24 A His doctor had examined him and approved him  
25 taking this visit to the City of Dallas and



1 riding in the automobile, sir, his doctor  
2 had taken this into account.

3 Q And from that you would conclude his reaction  
4 to pain, trauma, would be normal. Is  
5 that correct?

6 A Yes.

7 Q Was that the only information upon which that  
8 assumption is based?

9 A Yes.

10 Q Prior to November 22, 1963, did you ever have  
11 occasion to meet President John Kennedy?

12 A I think I shook hands with him, sir.

13 Q How about Governor Connally?

14 A Not Governor Connally, I tried several times  
15 to get an appointment with Governor Connally  
16 and he rejected me.

17 Q Governor Connally rejected you, you say?

18 A Yes, he did not answer my letters.

19 Q Now, Dr. Nichols, have you ever heard of dif-  
20 ferences in thresholds of pain, that is,  
21 some people being able to stand or endure  
22 pain better than others can?

23 A I am quite well aware of that. I have conducted  
24 experiments on that myself.

25 Q You have? Did you feel that that was a considera-

1                   tion which should be taken into account  
2                   by you at arriving at your conclusion?

3       A       Yes, and I did so, I took that into account  
4                   when I assumed the President was in good  
5                   health and Governor Connally was in a  
6                   state of good health, they were not in-  
7                   toxicated.

8       Q       Is good health and intoxication, are those  
9                   the only two factors that would have any-  
10                  thing to do with the threshold of pain?

11      A       They are the two most important things.

12      Q       What other factors are there?

13      A       Let me modify that and say they are the only  
14                  factors.

15      Q       What other factors did you have in mind?

16      A       I have changed --

17      Q       What did you mean when you say they were the  
18                  two most important?

19      A       I can't think of anything now.

20      Q       You changed your mind, you say, Doctor?

21      A       At the present time, sir, I can only think of  
22                  one thing, as a matter of fact, that  
23                  changes the threshold of pain, physical  
24                  health.

25      Q       That is the only one, right?

1 A That is the only one, sir.

2 Q All right, I see. Now, Doctor, have you ever  
3 attempted to determine the direction of  
4 the shot from photographic evidence only  
5 prior to this time?

6 A Yes, I have, sir.

7 Q Can you tell us about that, please.

8 A It is very tricky and very misleading. With  
9 a low caliber bullet, it can be done, with  
10 a low velocity bullet -- speaking of the  
11 brain, sir, the head?

12 Q Any shot.

13 A Any shot?

14 Q Right.

15 A Certainly if you established the bullet enter-  
16 ing in one part of the anatomy and emerging  
17 in another part of the anatomy and you  
18 assume the person is in an anatomical  
19 position, I have written this on autopsy  
20 articles, it is reasonable sometimes to  
21 arrive at an approximate angle that a  
22 bullet was fired, and this is very helpful  
23 to the police.

24 Q What is the best way to determine a point of  
25 entrance and point of exit of a bullet?

1 A To see the offender fire the shot.

2 Q You would not want to examine the body of the  
3 victim?

4 A You asked me the best, sir.

5 Q The best is to see the shot fired?

6 A Yes.

7 Q Let's assume you do not see the shot fired,  
8 what would then be the best way of de-  
9 termining where the bullet entered or  
10 exited?

11 A The bullet hole enters, sir, in soft tissue  
12 of the human body, is a small affair, it  
13 is smaller than the bullet is itself,  
14 and as the bullet hits, enters, and the  
15 speed of the bullet rubbing against the  
16 skin produces a small burn, this appears  
17 blackened, I am assuming we are at a dis-  
18 tance of ten feet now, then on the other  
19 side where it emerges the bullet hole is  
20 larger, usually, not always, but usually,  
21 and the edges are everted and when you  
22 study the bullet hole entrance under a  
23 microscope, you can see a little rim of  
24 burned tissue that almost conclusively  
25 pinpoints it, but you can never be cer-

1                   tain.

2       Q       Now, Doctor, wouldn't some of the same factors  
3                   apply to a head wound --

4       A       I am suing --

5       Q       -- with a high velocity rifle?

6       A       I am suing the Federal Government for permission  
7                   to look at the X-rays and the pictures of  
8                   the head in order to find out more exactly  
9                   than I have at the present time.

10      Q       Would I be correct in saying then that you  
11                   consider it very important from a pathologi-  
12                   cal standpoint to be given access to the  
13                   photographs and films of President Kennedy  
14                   for the purpose --

15      A       It is very important.

16      Q       It is very important?

17      A       Yes.

18      Q       And you feel that you could add to the exact-  
19                   ness of your opinion were you able to  
20                   examine these things. Is that right?

21      A       I feel there is a reasonable possibility that  
22                   I might.

23      Q       Now, Doctor, from the standpoint of a  
24                   pathologist, which is the better tool  
25                   in determining the point of exit and the

1 point of entrance of a bullet, the ex-  
2 amination of the victim or a photograph  
3 of the shooting?

4 A If the victim is available, the examination of  
5 the victim, a complete examination of  
6 the victim, a total examination of the  
7 victim, including X-rays and dissection  
8 of the part.

9 Q X-rays and dissection of the brain, did you  
10 say?

11 A Of the part involved.

12 Q Now, as an expert in the field of pathology,  
13 Doctor, would you dispute the point of  
14 exit and entrance of a bullet on the basis  
15 of photographs as opposed to an opinion  
16 as to the entrance and exit based upon  
17 photographs plus an actual examination of  
18 the body of the victim?

19 A It depends on who examines the body, sir. Yes,  
20 I would, and many occasions I have.

21 Q When you say who examines the body, are you  
22 speaking from the standpoing of honesty  
23 or the standpoint of ability and qualifica-  
24 tion?

25 A Ability and qualifications and previous ex-

perience. Previous experience is very important.

Q I take it then, sir, that assuming that such a determination were made by a pathologist of your ability and with your experience, after having examined the remains of the victim, you would not dispute his findings on the basis of mere photographic evidence such as you have had. Is that correct?

A In which case, in which particular case are you speaking, sir?

Q In any case.

A I can't talk about any case.

Q Why not?

A I have to know all of the details of the case.

Yes, I do not know whether I would or not, I would have to know the details, because this other fellow, although experienced and skilled and honest, he might overlook something. I might pick up something that he overlooked, yes.

Q Wouldn't it be fair to say that you are very curious to see these X-rays and the pathological reports in order to determine

1 for yourself whether your opinion is  
2 correct?

3 A I want to know the truth, the whole truth,  
4 and nothing but the truth.

5 Q And you want to see whether your opinion is  
6 correct. Isn't that right, sir?

7 A I would like to confirm it.

8 MR. DYMOND:

9 That's all, sir.

10 REDIRECT EXAMINATION

11 BY MR. OSER:

12 Q Doctor, I show you what the State has marked  
13 as "S-18," and I ask you if you have ever  
14 seen this particular rifle before, sir.

15 A May I step down from the witness stand, sir?

16 THE COURT:

17 Yes.

18 THE WITNESS:

19 May I refer to my notes, sir?

20 THE COURT:

21 You can refresh your memory from your own  
22 notes, but you cannot read from your  
23 notes.

24 MR. OSER:

25 Do not read from your notes themselves.



1 THE WITNESS:

2 Yes, I purchased this rifle from  
3 Smitty's Gun Shop in Kansas City  
4 on October 10, 1968, sir, it is my  
5 rifle, I own it.

6 BY MR. OSER:

7 Q And what type of gun is this, Doctor?

8 A This is an Italian Army rifle, it is more  
9 commonly known as a Manlicher Carcana  
10 Rifle, Caliber 6.5.

11 Q During your research and experiments, did you  
12 have occasion to use this particular  
13 rifle in your research?

14 A Not this particular rifle, sir, but I have  
15 used six other rifles similar to this  
16 in my research.

17 Q Will you identify the particular type of scope  
18 that is on that rifle, Doctor?

19 A Yes, this scope, I purchased it from Mr.  
20 Martin Redding in Culver City, California,  
21 along about two months previously, I be-  
22 lieve, at a price of \$11.00. The mount I  
23 purchased at a price of \$1.00, it was  
24 mounted for me at -- by a firm in Kansas  
25 City at a cost of \$9.00, and the gun was

1                   blued for me at -- by another firm.

2                   MR. OSER:

3                   That's all.

4                   RE CROSS-EXAMINATION

5                   BY MR. DYMOND:

6                   Q     Doctor, are all Manlicher Carcana Rifles 6.5  
7                             millimeters?

8                   A     No, sir, there are those that are 7.2 and 7.5,  
9                             and there is a toy gun that Mussolini  
10                            had cut down to train the 14-year-old  
11                            children, also a Manlicher Carcana that  
12                            shoots blanks.

13                  MR. DYMOND:

14                   No further questions.

15                  THE COURT:

16                   Is there any further need for Dr. Nichols  
17                             under his subpoena?

18                  MR. OSER:

19                   No, sir.

20                             (Witness excused.)

21                             ...oOo...

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C E R T I F I C A T E

I, the undersigned, a Deputy Official Court Reporter in and for the State of Louisiana, authorized and empowered by law to administer oaths and to take the depositions of witnesses under L.R.S. 13:961.1, as amended, do hereby certify that the above and foregoing deposition is true and correct as taken by me in the above-entitled and numbered cause (s).

I further certify that I am not of counsel nor related to any of the parties to this cause or in anywise interested in the event thereof.

NEW ORLEANS, LOUISIANA, on the 21 day  
of May 19 69

*Paul W. Williams*  
DEPUTY OFFICIAL COURT REPORTER  
STATE OF LOUISIANA

JFK ASSASSINATION SYSTEM

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## CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

. . . . .  
STATE OF LOUISIANA

198-059

VERSUS

1426(30)

CLAY L. SHAW

SECTION "C"  
. . . . .PROCEEDINGS IN OPEN COURT  
FEBRUARY 19, 1969

B E F O R E: THE HONORABLE EDWARD A. HAGGERTY, JR.,

JUDGE, SECTION "C"

*Richard Carr*Dietrich & Pickett, Inc.  
*Stenotypists*333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130 - 522-3111

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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RICHARD R. CARR	2	7	10	21
	--	--	31	33



1 THE COURT:

2 Call your next witness.

3 MR. GARRISON:

4 Your Honor, Mr. Carr is unable to walk  
5 because of a recent accident, and  
6 we understand the Defense has no  
7 objection, if the Court will permit,  
8 to have Mr. Carr wheeled right in  
9 front of the State Counsel table.

10 THE COURT:

11 That's all right. He can testify from  
12 there.

13 RICHARD RANDOLPH CARR,  
14 having been first duly sworn by the Minute Clerk,  
15 was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MR. GARRISON:

18 Q Mr. Carr, we can hear you if you speak into  
19 the microphone, sir, and it is important  
20 that the Jury be able to hear you and  
21 Defense Counsel over here (indicating)  
22 and the Court Reporter. What is your  
23 full name?

24 A Richard Randolph Carr.

25 Q And in what City do you live?

1 A Dallas, Texas.

2 Q And what city were you living in during the  
3 month of November, 1963?

4 A Dallas, Texas, 322 North Camden, Oak Cliff.

5 Q Can you recall the day of November 22, 1963?

6 A Yes.

7 Q Can you recall what part of the city you were  
8 in around the middle of the day on  
9 November 22?

10 A Yes, I was on the Seventh Floor of the New  
11 Courthouse Building that was under con-  
12 struction at that time, located on Houston  
13 and Commerce, facing Dealey Plaza.

14 Q Approximately what time were you on the Seventh  
15 Floor of that building facing Dealey Plaza?

16 A Sir, I can't recall the exact time, but it was  
17 at the time that the parade was coming  
18 down towards Dealey Plaza. I did not have  
19 a watch at the time.

20 Q Were you in a position where you could see the  
21 parade?

22 A Yes, sir.

23 Q Do you recall seeing anything unusual happening?

24 A Yes, I do.

25 Q Would you tell us what happened.

1       A       At the time the parade came down towards --  
2               going to the School Book Depository,  
3               Dealey Plaza would have been to my left  
4               where I was standing, and at the Fifth  
5               Floor of the School Book Depository I  
6               noticed a man at the third window, this  
7               man was dressed -- he had on a light hat,  
8               and I saw this man later going down  
9               Houston Street, to the corner of Com-  
10              merce, and then turned toward town on  
11              Commerce, and at that time before this  
12              happened I heard a single shot which  
13              sounded like a small arms, maybe a pistol,  
14              and I immediately, immediately there was  
15              a slight pause and immediately after that  
16              I heard three rifle shots in succession,  
17              they seemed to be fired from an automatic  
18              rifle and they came --

19           MR. DYMOND:

20               We object to the witness giving his con-  
21               clusions on this.

22           THE COURT:

23               Mr. Carr, do not give your conclusions on  
24               this point.

25           BY MR. GARRISON:

1 Q Go ahead and tell us what you heard.

2 A I heard three rifle shots fired from a high-  
3 powered rifle --

4 MR. DYMOND:

5 We object to that unless the man is quali-  
6 fied as an expert. I ask the Jury  
7 be instructed to disregard that.

8 THE COURT:

9 It is a question whether or not an ordinary  
10 human being, whether he would know a  
11 rifle shot or not. I do not know --

12 MR. DYMOND:

13 We don't know this man had rifles since  
14 he was a child, we don't know that  
15 he ever had been a hunter, and this  
16 man --

17 MR. GARRISON:

18 We can clarify that very easily.

19 BY MR. GARRISON:

20 Q Mr. Carr, have you ever heard rifle fire before?

21 A I have.

22 Q Where?

23 A I was a member of the Fifth Ranger Battalion  
24 in World War II. I qualified as an expert  
25 with a bolt-action rifle which is called

1 a thirty aught six, in the Army it is a  
2 30-caliber rifle, since that time I was --  
3 I used a 225 Winchester, I hunted with a  
4 70 millimeter Remington, I have also  
5 loaded my own ammunition, which I do until  
6 this day.

7 Q Were you ever wounded in action?

8 A Yes.

9 Q How many times?

10 MR. DYMOND:

11 I object to that as irrelevant.

12 THE COURT:

13 That is irrelevant. Why don't you tender  
14 Mr. Carr over to the Defense as an  
15 expert, at least in the field that  
16 he knows a rifle shot when he hears  
17 it?

18 MR. GARRISON:

19 One other question.

20 BY MR. GARRISON:

21 Q Have you ever heard rifle fire in combat?

22 A Yes, I have heard rifle fire in combat.

23 Q On how many occasions?

24 A I was in -- I landed in Casablanca, I went  
25 through North Africa, I was in two major

1                    offensives in Africa, and from there I  
2                    went to Anzio beachhead and my battalion  
3                    was annihilated, 13 men left in the Fifth  
4                    Ranger Battalion.

5            Q        How many of these places did you hear rifle  
6                    fire?

7            A        In all of them I heard rifle fire, sir.

8            MR. GARRISON:

9                    We tender the witness.

10                   CROSS-EXAMINATION

11           BY MR. DYMOND:

12           Q        Mr. Carr, when you were qualified in the Army  
13                    as an expert with a rifle, did that, was  
14                    that pertaining to marksmanship or the  
15                    identification of the type of rifle being  
16                    fired from the noise made?

17           A        Sir, clarify that.

18           Q        Your qualification as an expert rifleman in the  
19                    Army, was that in marksmanship and the  
20                    breaking down of rifles or the identifica-  
21                    tion of rifle sounds?

22           A        I became an expert on the range in the act of  
23                    firing a rifle.

24           Q        In other words, that would be marksmanship,  
25                    would it not, sir?

1 A Yes.

2 Q Now, these various actions in which your  
3 battalion took place, do you know what  
4 type of rifles were being fired at you?

5 A No, sir, I do not.

6 Q Do you know whether there was more than one  
7 type of rifle being fired at you?

8 A Yes, I do know there was more than one type of  
9 rifle being fired at me.

10 Q But you can't name the different types. Is  
11 that correct?

12 A Well, I did not see them, and without seeing,  
13 I could not name them.

14 MR. DYMOND:

15 That's all.

16 THE COURT:

17 Is the matter submitted?

18 MR. GARRISON:

19 Yes, the State would add that Mr. Carr  
20 is about as expert in the sounds of  
21 gunfire as you could be and still be  
22 walking around.

23 MR. DYMOND:

24 If the Court please, this gentleman may  
25 have been fired at many times, but

1 he does not know what type of rifles  
2 were being fired, he was never  
3 called upon to distinguish as between  
4 sounds of various different rifles,  
5 and if you hold this man out as an  
6 expert, every man including myself  
7 who was in combat during World War  
8 II would be an expert. I certainly  
9 don't hold myself out as one.

10 THE COURT:

11 I rule that Mr. Carr is qualified as an  
12 expert and can give his opinion on  
13 whether a shot or a noise he heard  
14 is from a rifle or not, but not what  
15 type rifle.

16 MR. DYMOND:

17 To which ruling Counsel objects and re-  
18 serves a bill of exception, making  
19 all the testimony up until this  
20 point, the Defense objection, the  
21 Court's ruling, and the entire record  
22 parts of the bill.

23 MR. GARRISON:

24 The Judge has ruled that you can tell us  
25 whether or not the noise you heard



1 was from a rifle but not what type  
2 rifle.

3 THE WITNESS:

4 No, sir, I would not say what type of a  
5 rifle, I would not say it was a  
6 thirty aught six --

7 MR. DYMOND:

8 Objection, there was no question asked.

9 BY MR. GARRISON:

10 Q Let's go back to where we were and can you tell  
11 us what you heard?

12 A Yes, a pipefitter and myself were standing on  
13 the Seventh Floor of the -- on the outside  
14 of the structure of this courthouse, we  
15 were looking, as I told before in my  
16 statement to the FBI and everyone else --

17 MR. DYMOND:

18 I object to his previous statements to  
19 the FBI, Your Honor.

20 THE COURT:

21 Answer the question.

22 BY MR. GARRISON:

23 Q You can go on and tell us what you observed,  
24 tell us what you observed and what you  
25 heard.

1 A All right. As I stated before, I noticed this 11  
2 fellow in the window, and this gentleman,  
3 the pipefitter and myself, he made the  
4 statement to --

5 MR. DYMOND:

6 I object to what the man made a statement  
7 concerning.

8 BY MR. GARRISON:

9 Q You can say what you said.

10 A I thought he was a Secret Agent man or an FBI  
11 man.

12 Q What did the man in the window look like?

13 A He had on a hat, a felt hat, a light hat, he  
14 had on heavy-rimmed glasses, dark, the  
15 glasses were heavy-rimmed, and heavy ear  
16 pieces on his glasses.

17 Q Go ahead.

18 A He had on a tie, he had on a light shirt, a  
19 tan sport coat.

20 Q Now, you say you heard gunfire. Will you tell  
21 us again what you heard.

22 A Yes, sir. The first I heard, I made the  
23 statement before the objection, I say it  
24 was small arms, a pistol --

25 MR. DYMOND:

1 He has not been qualified --

2 THE COURT:

3 Just say what kind of noise you heard.

4 BY MR. GARRISON:

5 Q What kind of noise did you hear?

6 A I heard a shot. There was a pause and im-  
7 mediately after that there were three  
8 shots in succession.

9 Q Were you able to tell from where the first  
10 shot was coming?

11 A No, sir, not the first one I could not tell  
12 the direction it come from.

13 Q Were you able to tell from where the three  
14 shots came from which followed?

15 A Yes, I was.

16 Q Where did they come from?

17 A They came from the -- from where I was standing  
18 at the new courthouse, they came from in  
19 this direction here, behind this picket  
20 fence, and one knocked a bunch of grass  
21 up along in this area here (indicating),  
22 this area here is flat, looking at it  
23 from here, but the actual way it is, it  
24 is on a slope up this way and you could  
25 tell from the way it knocked it up that

1 the bullet came from this direction  
2 (indicating).

3 Q Now, when you just touched the ruler to this  
4 mockup, what was the area which you were  
5 describing as the source of the three  
6 shots, can you describe it a little more  
7 precisely?

8 A Yes, there was a picket fence along in this  
9 area here, it does not show it in here,  
10 and it seems the shots came from this  
11 direction, and underneath that slope  
12 there were people.

13 Q And what happened?

14 A The shots came from this direction, from be-  
15 hind this picket fence that I do not see  
16 here, and there is a slope here, there is  
17 a grassy slope down here and there were a  
18 lot of people, spectators down here, below  
19 on this grassy slope, but when those shots  
20 were fired the motorcycle policemen, the  
21 Secret Service and what-have-you, all came  
22 in this direction, the way the shots came  
23 from, some of the people that were sitting  
24 there or standing fell to the ground as  
25 if the shots were coming off of those --

1 MR. DYMOND:

2 I object to his conclusion, Your Honor.

3 THE WITNESS:

4 It is not a conclusion, Your Honor, I saw  
5 it.

6 MR. DYMOND:

7 I ask the witness be instructed to wait  
8 for the Court's ruling.

9 THE COURT:

10 I overrule the objection.

11 MR. DYMOND:

12 To which ruling Counsel objects and re-  
13 serves a bill of exception on the con-  
14 clusions of the witness. I will make  
15 the Defense objection, all the ques-  
16 tions propounded to this witness,  
17 the entire record and the Court's  
18 ruling, parts of the bill.

19 BY MR. GARRISON:

20 Q Now, of those shots, which of the three shots  
21 did you hear coming from that area you  
22 have just pointed out by the picket fence  
23 on the knoll?

24 A The three shots, the last three shots came from  
25 this area.

1 Q Did the three shots seem spread apart in time  
2 or very close in time?

3 A No, sir, they were fired from a semi-automatic  
4 or either --

5 MR. DYMOND:

6 I object to this.

7 THE COURT:

8 Just tell us the sequence, Mr. Carr.

9 BY MR. GARRISON:

10 Q You can tell us whether they sounded close  
11 or separate.

12 A Yes, they were very close together.

13 Q If you were to say with your voice "BOOM"  
14 three times, could you give us the  
15 approximate separation as you recall it?

16 A Well, BOOM-BOOM-BOOM, just in that order.

17 Q All right. Now, I am not going into the whole  
18 thing there, but just so that we can see  
19 where the spot was on the photomap, now,  
20 "S-34," Mr. Carr, that you are looking at  
21 now, an aerial photograph of the scene --

22 A Yes.

23 Q -- could you orient yourself, can you identify  
24 everything by looking at the area photo-  
25 graph?

1 A Yes.

2 Q Can you show us the area from which you heard  
3 the three shots coming on the area photo-  
4 graph?

5 A The three shots came from in this direction  
6 right here (indicating).

7 Q Can you recognize the cement arcade in the area  
8 photograph?

9 A Yes.

10 Q Now, are you able to recall from which ends  
11 of the cement arcade the three shots came  
12 from, was it from the end towards the  
13 Depository or the end towards the over-  
14 pass?

15 A At the end towards the overpass, right here.

16 MR. GARRISON:

17 Let the record show that Mr. Carr just  
18 indicated, would you point your ruler  
19 up there, -- let the record show Mr.  
20 Carr is indicating an area on the  
21 grassy knoll in the vicinity of the  
22 picket fence.

23 THE COURT:

24 Let it be noted in the record.

25 BY MR. GARRISON:

1 Q Now, after the shots, did you notice any  
2 movement of any kind --

3 A Yes, I did.

4 Q -- as unusual, that was unusual?

5 A Yes, I did.

6 Q Would you tell us what you observed.

7 A Should I point it out, sir?

8 Q Yes.

9 A At this point right here, at this School Book  
10 Depository there was a Rambler Station  
11 Wagon there with a rack on the back,  
12 built on the top of this.

13 Q Which way was the station wagon facing?

14 A It was parked on the wrong side of the street,  
15 next to the School Book Depository heading  
16 north.

17 Q North being the top of the photomap, north is  
18 the top as you have indicated?

19 A North is the top, and it was headed in this  
20 direction towards the railroad tracks,  
21 and immediately after the shooting there  
22 was three men that emerged from behind the  
23 School Book Depository, there was a Latin,  
24 I can't say whether he was Spanish, Cuban,  
25 but he was real dark-complected, stepped



1 out and opened the door, there was two  
2 men entered that station wagon, and the  
3 Latin drove it north on Houston. The car  
4 was in motion before the rear door was  
5 closed, and this one man got in the front,  
6 and then he slid in from the -- from the  
7 driver's side over, and the Latin got back  
8 and they proceeded north and it was moving  
9 before the rear door was closed, and the  
10 other man that I described to you being  
11 in this window which would have been one,  
12 two, the third window over here came  
13 across the street, he came down, coming  
14 towards the construction site on Houston  
15 Street, to Commerce, in a very big hurry,  
16 he came to Commerce Street and he turned  
17 toward town on Commerce Street and every  
18 once in a while he would look over his  
19 shoulder as if he was being followed.

20 Q Now, Mr. Carr, did you have occasion to give  
21 this information to any law enforcement  
22 agencies?

23 A Yes, I did.

24 Q Did anyone tell you not to say anything about  
25 this?

1 A Yes.

2 MR. DYMOND:

3 I object to what anyone told him, Your  
4 Honor, on the grounds it's hearsay.

5 THE COURT:

6 A moment ago you asked Mrs. Parker if  
7 anybody threatened her. Is it your  
8 question, Mr. Garrison, whether or  
9 not Mr. Carr was threatened by some-  
10 one? Is your question to the witness  
11 a question of whether or not anyone  
12 threatened Mr. Carr?

13 MR. GARRISON:

14 I will rephrase it.

15 BY MR. GARRISON:

16 Q Did anyone threaten you?

17 MR. DYMOND:

18 At this time we object to the Court's  
19 suggesting questions to Counsel for  
20 the State. The suggested question  
21 is completely different from the ques-  
22 tion previously propounded by the  
23 State. This is not the function of  
24 a Trial Judge in any trial.

25 MR. GARRISON:

May it please the Court, I will phrase  
my own questions on this.

BY MR. GARRISON:

Q Mr. Carr, did you talk to any FBI agents about  
this incident?

A Yes, I did.

Q Did they tell you to forget about it?

MR. DYMOND:

I object to that as hearsay.

BY MR. GARRISON:

Q Were you threatened in any way --

THE COURT:

I sustain the objection. You cannot tell  
us the words used by someone who  
spoke to you because of hearsay;  
however, you can state that you had  
conversations with them and what did  
you do as a result of the conversa-  
tion, I will permit that.

BY MR. GARRISON:

Q As the result of the conversations with the  
Federal Bureau of Investigation, what did  
you do?

A I done as I was instructed, I shut my mouth.

Q Were you called to testify before the Warren

Commission?

A No, sir.

MR. GARRISON:

I tender the witness.

RE CROSS-EXAMINATION

BY MR. DYMOND:

Q When did you first notice that President Kennedy had been shot?

A About an hour and 15 minutes after it happened, sir.

Q Is it your testimony that you did not realize that anything had gone wrong in the Presidential motorcade?

A I realized something had gone wrong but I did not know what.

Q Did you realize that anyone had been shot?

A No, sir, I did not.

Q Until an hour and 15 minutes after it happened, is that your testimony?

A Yes.

Q I see. Now, wasn't it your testimony that you heard what you thought were gunshot --

A Yes.

Q -- noises?

A Yes, I did not think it was gunshots, I knew

1 it was gunshots.

2 Q I see. Didn't you also testify that you saw  
3 people running up to the grassy knoll area?

4 A I did.

5 Q Did you draw any conclusions from that?

6 A Your Honor, you asked me not to have any con-  
7 clusions a while ago, did you not?

8 THE COURT:

9 You can answer this question.

10 THE WITNESS:

11 I have conclusions, yes, I did.

12 BY MR. DYMOND:

13 Q Did you conclude that anybody had been shot?

14 A I concluded someone had been shot or shot at,  
15 yes.

16 Q Did you detect any commotion or unusual activi-  
17 ties in the vicinity of the Presidential  
18 vehicle?

19 A I detected the vehicles gathering speed and  
20 moving on, yes, I did.

21 Q Did you attach any importance to that or think  
22 it was unusual?

23 A I thought it was very unusual, yes.

24 Q Now, when did you see the Presidential vehicle  
25 gathering speed in relation to the gun-

shots?

A It was shortly after.

Q Would I be fair in saying it was immediately after the gunshots?

A I would say there was a pause and it looked like, it looked like somebody trying to get home from where I was at.

Q By clapping your hands, first indicating the last gunshot, and then the time that you saw the unusual activity around the Presidential vehicle, clapping them again, so as to show us the space of time, would you please do that, sir.

A That has been five years ago, and it seemed like minutes, which it was only seconds.

Q In other words, it's your testimony now that it was only seconds between the last shot and your seeing commotion and unusual activity around the Presidential vehicle. Is that correct?

A Well, now, I ain't said nothing about seeing commotion around the Presidential vehicle, what type of commotion I noticed mostly was people running to the area that I described, this area right here, sir.

1 Q That happened right after the shots were  
2 fired?

3 A Yes, that happened immediately.

4 Q Would you say that happened before or after  
5 you saw the Presidential vehicle  
6 accelerate and start to go faster?

7 A That happened before.

8 Q All right. After seeing the people run up  
9 the grassy knoll, which happened right  
10 after you heard the shots, right after  
11 that you saw --

12 MR. ALCOCK:

13 That is not what he said, that is not his  
14 testimony.

15 (Whereupon, the testimony pertinent  
16 to this point was read by the  
17 Reporter.)

18 BY MR. DYMOND:

19 Q Right after that you saw the Presidential  
20 vehicle accelerate. Is that correct?

21 A Yes.

22 Q All right. Now, when you saw the Presidential  
23 vehicle accelerate, did that attract your  
24 attention?

25 A No, sir, not so much as I turned and looked

1 back, as I told you before, I saw these  
2 people come out from behind the School  
3 Book Depository and I am going to try to  
4 make this clear to you so where you can  
5 understand it, from where I was at I  
6 could not tell whether they came out this  
7 side entrance here, there is a side en-  
8 trance to the School Book Depository, or  
9 whether they came from behind it, but they  
10 came either from the side entrance or they  
11 came from behind it, and got into this  
12 station wagon.

13 Q Now, how about the rest of the motorcade, did  
14 it accelerate along with the Presidential --

15 A The crowd crowded in so fast until I could not  
16 tell anything about the rest of the motor-  
17 cade or nothing else, there was a lot of  
18 commotion there from then on.

19 Q Was there a great deal of traffic on Stemmons  
20 Freeway at that time?

21 A Stemmons Freeway is on up here.

22 Q I am talking about Elm Street going --

23 A You said Stemmons Freeway, Elm Street is here,  
24 sir. No, sir, there was not much traffic  
25 on Elm Street.



1 Q Not much traffic?

2 A Elm Street had been blocked off for the motor-  
3 cade.

4 Q About how many automobiles were in the motor-  
5 cade?

6 A I don't know.

7 Q Would you say plenty or just one or two?

8 A Well, at the time this happened, I saw three.

9 Q You only saw three vehicles, three automobiles  
10 in the Presidential motorcade. Is that  
11 correct?

12 A At the time it happened I had only seen three,  
13 part of them were on back, had not got to  
14 that point yet.

15 Q Did you ever see any more than these three?

16 A Sir, I saw no more because I explained to you  
17 that the commotion was so great that every-  
18 body stopped there, there were a lot of  
19 people on the streets, on both sides,  
20 there were people up here, spectators,  
21 there were people lined everywhere along  
22 that route, all over there.

23 Q Mr. Carr, weren't you interested in looking at  
24 this commotion and trying to see what was  
25 causing it?

1 A Was I interested in knowing what was causing  
2 it?

3 Q That is correct.

4 A I would like to have known, but I could not  
5 have got through the crowd to find out  
6 if I had to.

7 Q You had a pretty good spot from which to look,  
8 didn't you?

9 A Yes.

10 Q Were you looking to try to see what caused it?

11 A Well, I had no idea what had went on, sir.

12 Q I say were you looking to try to see what went  
13 on, what caused it?

14 A To see what caused the commotion?

15 Q That's right.

16 A No, sir, not to see what caused it, I was  
17 looking to see what was going on.

18 Q You were looking where, to see what was going  
19 on?

20 A I was looking to see why all of the commotion  
21 down here and why these people were running.

22 Q And at the same time you were looking up towards  
23 the Texas Book Depository seeing three men  
24 come out from behind it. Is that right?

25 A Do you see these dots on this --

1 Q Would you answer my question and then explain,  
2 please, sir. I say would you answer the  
3 question and then explain.

4 A Yes, I will answer your question, repeat it,  
5 please.

6 THE COURT:

7 Mr. Carr, when a question is put to you,  
8 you can answer it yes or no, but you  
9 have a right to explain your answer  
10 so you cannot be cut off, so if you  
11 wish to explain the answer, you are  
12 permitted by law to do so.

13 (Whereupon, the question was  
14 read back by the Reporter.)

15 A Yes, that's right.

16 BY MR. DYMOND:

17 Q And also at the same time you were watching  
18 the man whom you say you had seen on the  
19 Fifth Floor of the Book Depository walk on  
20 Houston Street towards Main. Is that  
21 right?

22 A Yes, and I have -- may I explain that?

23 Q Yes.

24 THE COURT:

25 You may explain.

1 A The same man that I saw here in this window was 29  
2 with the three men that I told you a  
3 minute ago, they came out from behind  
4 the School Book Depository, got in the  
5 station wagon, one man crossed the street  
6 and then came down this side of Houston  
7 Street and turned onto Commerce Street.

8 BY MR. DYMOND:

9 Q And you were watching that procedure at the  
10 same time that you were watching what  
11 was going on in the grassy knoll area?

12 A No, sir.

13 Q And what was going on around the Presidential  
14 vehicle and in the motorcade, right?

15 A No, sir, I was watching that man at that time,  
16 and I watched him until I could see him  
17 no longer, but that man acted as if he was  
18 in a hurry and someone was following him,  
19 and I would know that man if I ever saw  
20 him again.

21 Q And right before the three successive shots  
22 you saw a bullet hit in the middle of  
23 Dealey Plaza, is that correct?

24 A Repeat that, please.

25 Q Right before hearing the three successive shots,

1                   you saw a bullet hit in the middle of  
2                   Dealey Plaza, right?

3       A       No, sir, upon hearing the three successive  
4                   shots, sir, I saw one, one of those three  
5                   hit in Dealey Plaza in the grass.

6       Q       I see. Did you ever go and look for the hole  
7                   where it hit?

8       A       No, sir, I have not.

9       Q       Did you ever try to recover the pellet?

10      A       No, sir, I have not.

11      Q       Now, is it your testimony that the three, that  
12                   is, the group of these three shots were  
13                   equally spaced, that is, the space of  
14                   time between the first and second was  
15                   just about the same as that between the  
16                   second and third?

17      A       The three shots were consecutively.

18      Q       I take it then that you would deny that there  
19                   was one shot and then a relatively long  
20                   period and then two fast shots. Is that  
21                   correct?

22      A       Yes, I sure would.

23      Q       I take it -- go ahead, sir.

24      A       I am sorry, sir, go ahead. I said I heard one  
25                   shot, there was a pause and then I heard

three consecutive shots.

Q I take it then that you would also deny that of those three successive shots, there were two rapid ones and then a relatively long period and then a third one. Is that right?

A Yes, I would.

MR. DYMOND:

That's all, sir.

FURTHER REDIRECT EXAMINATION

BY MR. GARRISON:

Q Just one more question, Mr. Carr. Would you just take your -- would you just take your time and in your own words describe with reference to the photomap the direction of that shot which you observed ~~furrowing on~~ through the grass, from what area to what area, could you describe that, from what point to what point?

A The shot was fired from somewhere in here.

Q Just a minute, sir. This is going to be written down, what do you mean by "in here," from somewhere to where?

A From this direction in here that shot was fired.

1 Q You are indicating, to begin with, the grassy  
2 knoll area by the picket fence. Is that  
3 right?

4 A Yes, sir, that is the first thing that  
5 attracted my attention as I explained to  
6 you before.

7 Q But the direction would have been from there  
8 to where?

9 A To in this vicinity right here (indicating).

10 Q Well, if you carry the line down, would you  
11 identify some building or something on  
12 the map so that we will know precisely  
13 what you mean?

14 A Yes, I will say the Criminal Courts Building  
15 right here (indicating).

16 Q If the shot would have continued, you mean to  
17 say --

18 MR. DYMOND:

19 I object to leading the witness, Your  
20 Honor.

21 BY MR. GARRISON:

22 Q I will rephrase the question. If the shot had  
23 continued --

24 A If the shot had not hit the grass, it would have  
25 hit the Criminal Courts Building, sir.

1 MR. GARRISON:

2 That's all I have.

3 FURTHER RECROSS-EXAMINATION

4 BY MR. DYMOND:

5 Q Just a couple of questions. Mr. Carr, is it  
6 your testimony that you saw this bullet  
7 furrowing through the grass?

8 A I saw the grass come up.

9 Q You saw the grass come up?

10 A Yes.

11 Q And from that you are telling us from what  
12 direction the shot came and where it would  
13 have gone if it would have kept on going.  
14 Is that right?

15 A Yes.

16 MR. DYMOND:

17 That's all.

18 THE COURT:

19 Is Mr. Carr released from the obligations  
20 of his subpoena?

21 MR. ALCOCK:

22 Yes, Your Honor.

23 THE COURT:

24 You are excused as a witness.

25 THE WITNESS:



1 Thank you, Judge.

2 THE COURT:

3 Let everybody have a seat, Sheriff.

4 Now, you see, it is about one minute to  
5 12:00. We are going to recess for  
6 lunch.

7 Let everybody have a seat.

8 Gentlemen of the Jury, as I have so many  
9 times, I must admonish you and in-  
10 struct you not to discuss the case  
11 with one another or anyone else.

12 It is very, very important that you  
13 adhere to my instructions.

14 With those instructions, I will turn you  
15 over to the Sheriffs, and we will be  
16 in recess for lunch.

17 You are released under your same bond,

18 Mr. Shaw.

19  
20 (Whereupon, a luncheon recess  
21 was taken.)  
22  
23  
24  
25

C E R T I F I C A T E

I, the undersigned, a Deputy Official Court Reporter in and for the State of Louisiana, authorized and empowered by law to administer oaths and to take the depositions of witnesses under L.R.S. 13:961.1, as amended, do hereby certify that the above and foregoing deposition is true and correct as taken by me in the above-entitled and numbered cause (s).

I further certify that I am not of counsel nor related to any of the parties to this cause or in anywise interested in the event thereof.

NEW ORLEANS, LOUISIANA, on the 26 day  
of May 19 69

Paul W. Williams  
DEPUTY OFFICIAL COURT REPORTER  
STATE OF LOUISIANA

JFK ASSASSINATION SYSTEM

IDENTIFICATION FORM

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BUZMAN, JONAS J.

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Jackie Hess

CLAY L. SHAW

Cliff Fenton

Team #1

Team #2

Team #3

Team #4

Team #5

Form #2

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.....  
STATE OF LOUISIANA . 198-059  
vs. . 1426 (30)  
CLAY L. SHAW . SECTION "C"  
.....

PROCEEDINGS IN OPEN COURT,

AFTERNOON SESSION

Wednesday, February 19, 1969

B E F O R E : THE HONORABLE EDWARD A. HAGGERTY, JR.  
JUDGE, SECTION "C"

Dietrich & Pickett, Inc.  
*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130-522-3111

Reference copy, JFK Collection: HSCA (RG 233)

Various witnesses February 19, 1969

## CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

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I N D E X

WITNESSES ON TRAVERSE	DIRECT	CROSS	REDIRECT	RECROSS
LOUIS W. IVON	D4	D23	--	--
CAPTAIN LOUIS CUROLE making a return on a subpoena duces tecum	D27			
ALOYSIUS HABIGHORST	D48 --	D59 --	D68, D74	D69, D75
LOUIS J. CUROLE	D77	D106	D107	--
JONAS J. BUTZMAN	D108	D117	D120	--
JOHN N. PERKINS, JR.	D121	D130	--	--
EDWARD F. WEGMANN	D131	D135	--	--
SALVATORE PANZECA	D145	D148	--	--
CLAY L. SHAW	D153	D158	--	--

E X H I B I T S

EXHIBIT NO.	IDENTIFIED	OFFERED	RECEIVED
S-55		D3	D3
S-56	D16	D173	D173
S-57	D19	D173	D173
S-58	D19, D52	D173	D173
S-59	D20, D52	D173	D173
S-60	D58	--	--

INDEX - CONTINUED:

<u>EXHIBIT NO.</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>RECEIVED</u>
D-14	D26	D172	D172
D-15	D30, D84	D172	D172
D-16	D30, D85	D172	D172
D-17	D32, D98	D172	D172
D-18	D44	--	--
D-19	D133	D172	D172

...oOo...



WEDNESDAY AFTERNOON - 2/19/69 - HRD

2

. . . . Pursuant to the recess, the pro-  
ceedings herein were resumed at 1:30  
o'clock p.m. on Wednesday, February 19,  
1969, appearances being the same as  
heretofore noted in the record . . . .

THE COURT:

Let it be noted that the Jury is back,  
all counsel are present for the  
State and the Defense.

Are you ready to proceed?

MR. ALCOCK:

We are ready, Your Honor.

MR. DYMOND:

The Defense is ready.

MR. ALCOCK:

Your Honor, in connection with the testi-  
mony of Mrs. Parker, the State  
offers, files and introduces into  
evidence the document previously  
marked for identification as "S-55."

THE COURT:

Is there any objection?

MR. DYMOND:

No objection.

THE COURT:

1 Let it be received as offered and filed  
2 in evidence in this case.

3 MR. ALCOCK:

4 Can I open it at the page?

5 THE COURT:

6 Yes.

7 (Exhibit S-55 exhibited to the Jury.)

8 MR. ALCOCK:

9 May I approach the bench with Counsel?

10 THE COURT:

11 You may.

12 (Bench conference off the record.)

13 MR. ALCOCK:

14 Your Honor, before calling the State's  
15 next witness, I might announce to  
16 the Court that the matter we are now  
17 going into, by law is required to be  
18 gone into outside the presence of  
19 the Jury, so at this time I would ask  
20 the Court to excuse the Jury so that  
21 we might enter this area in accor-  
22 dance with the law.

23 THE COURT:

24 Sheriff, take the Jury upstairs, please.

25 (Jury excused.)

D4

1 MR. ALCOCK:

2 The State calls Louis Ivon.

3 THE COURT:

4 I might state for the record, Mr. Alcock,  
5 that prior to taking the bench at  
6 1:30 I was requested by Mr. Panzeca,  
7 Associate Defense Counsel, to issue  
8 an instantter subpoena for Louis  
9 Ivon.

10 MR. DYMOND:

11 We will cancel it as long as the State  
12 is calling him.

13 MR. WILLIAM WEGMANN:

14 He is here now, no use to subpoena him.

15 LOUIS WILLIAM IVON,

16 a witness called by and on behalf of the State,  
17 was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. ALCOCK:

20 Q For the record, would you state your full  
21 name, please.

22 A Louis William Ivon.

23 Q Mr. Ivon, by whom are you employed?

24 A New Orleans Police Department.

25 Q And how long have you been employed by the

D5

5

New Orleans Police Department?

A Since 1955.

Q And at this time, Mr. Ivon, are you assigned to the District Attorney's Office?

A Yes, I am.

Q In what capacity?

A As Chief Investigator.

Q And how long have you been Chief Investigator for the District Attorney's Office?

A Since 1966.

Q Am I correct then, Mr. Ivon, that though you are assigned to the District Attorney's Office, you are still a member of the New Orleans Police Department?

A Yes.

Q Mr. Ivon, directing your attention to the date of March 1, 1967, did you have occasion on that date to see the Defendant Clay Shaw?

A Yes.

Q Do you see Clay Shaw in the courtroom?

A Yes, I do.

Q Point to him, please.

A (Indicating) The man with the glasses right there in the blue suit.

6  
1 MR. ALCOCK:

2 Let the record reflect that the witness  
3 has identified the Defendant Clay  
4 Shaw.

5 THE COURT:

6 All right. Let it be so noted in the  
7 record.

8 BY MR. ALCOCK:

9 Q Now, Mr. Ivon, approximately, if you can  
10 recall, what time of the day on March 1,  
11 did you first see the Defendant?

12 A I would believe between 12:00 and 1:00 p.m.  
13 on the 1st.

14 Q And at the time you first saw the Defendant,  
15 in whose presence was he, if you can  
16 recall?

17 A Andrew Sciambra.

18 Q Did you have occasion to see him at any time  
19 after that first view of him on that  
20 date, the 1st?

21 A Yes.

22 Q Where did you see the Defendant on that date?

23 A In the office, the Investigator's office.

24 Q And is that in the District Attorney's Office  
25 proper?

D7

Reference copy, JFK Collection: HSCA (RG 233)

1 A Yes, it is.

2 Q Did you have occasion to have a conversation  
3 with him at that time?

4 A I did.

5 Q And in whose presence was the conversation  
6 had with the Defendant?

7 A Andrew Sciambra.

8 Q Can you recall, Mr. Ivon, approximately how  
9 long this conversation lasted?

10 A Probably half an hour, 45 minutes.

11 Q Did you have occasion, Mr. Ivon, after this  
12 conversation to see the Defendant again?

13 A Yes.

14 Q Where did you see him?

15 A In the District Attorney's Office.

16 Q Now, specifically in what room or office did  
17 you see him after this conversation, if  
18 you can recall?

19 A In a smaller office directly across from the  
20 Investigator's office.

21 Q Did you have a conversation with him in that  
22 office?

23 A Yes.

24 Q And approximately, Mr. Ivon, what time did  
25 that conversation take place?

D8

8

- 1 A This was approximately 5:00 p.m.
- 2 Q Mr. Ivon, to your knowledge, do you know
- 3 where the Defendant was between, say,
- 4 1:00 o'clock and 5:00 o'clock p.m.?
- 5 A In the District Attorney's Office.
- 6 Q Do you recall what physical location he was
- 7 in the office?
- 8 A In the Investigator's office, out in the
- 9 front office, the main office.
- 10 Q Did you personally, or, to your knowledge,
- 11 did any other member of the District
- 12 Attorney's Staff question the Defendant
- 13 during that entire five-hour period?
- 14 A I don't know.
- 15 Q Did you personally question the Defendant?
- 16 A Yes, I did.
- 17 Q During the entire five-hour period?
- 18 A No, no.
- 19 Q Other than the first questioning that you
- 20 have related to the Court that took
- 21 approximately a half hour to 45 minutes,
- 22 did you have occasion again to question
- 23 the Defendant?
- 24 A No.
- 25 Q Now, Mr. Ivon, do you know Salvatore Panzeca

1 when you see him?

2 A Yes, I do.

3 Q Do you see him in the courtroom?

4 A (Indicating) The gentleman that just sat  
5 down.

6 MR. ALCOCK:

7 Let the record reflect that the witness  
8 has indicated Defense Counsel Mr.  
9 Salvatore Panzeca.

10 THE COURT:

11 Let it be noted in the record.

12 BY MR. ALCOCK:

13 Q Did you see Mr. Panzeca at all in the District  
14 Attorney's Office on the date of March 1,  
15 1967?

16 A Yes, I did.

17 Q Do you recall approximately what time you saw  
18 him?

19 A Between 3:00 and 4:00 p.m.

20 Q And at the time you saw Mr. Panzeca, was anyone  
21 with him? That is, the first time you  
22 saw him.

23 A No.

24 Q Do you know whether or not, of your own know-  
25 ledge, Mr. Ivon, that Mr. Panzeca con-



1                   ferred with the Defendant at that time?

2       A       Yes, he did.

3       Q       Did he confer with the Defendant in your  
4                   presence?

5       A       No, he didn't.

6       Q       Do you know what physical location within the  
7                   District Attorney's Office that they con-  
8                   ferred in, if you can recall?

9       A       No, I can't recall.

10      Q       Can you approximate for us, Mr. Ivon, about  
11               how long they conferred?

12      A       No.

13      Q       To your knowledge, and only to your knowledge,  
14               Mr. Ivon, do you know why Mr. Panzeca  
15               was present in the office?

16      A       He was called by Mr. Shaw.

17      Q       Was this call made in your presence?

18      A       Yes, it was.

19      Q       Do you recall approximately what time that  
20               call was made?

21      A       The call was made right after I finished speak-  
22               ing with Mr. Shaw, I would say roughly  
23               -- I am approximating -- probably two.

24      Q       2:00 o'clock in the afternoon?

25      A       Yes.

Q Do you recall whether or not after this call was made and prior to the arrival of Mr. Sciambra (sic), whether or not you or any other member of the staff questioned Clay Shaw?

A To my knowledge, no.

Q In your presence, had he requested assistance of counsel?

A Yes, and I advised him to have counsel.

Q Do you recall, Mr. Ivon -- and again I realize this would be an approximation on your part -- do you recall approximately how long it was between the call made by the Defendant Shaw to Panzeca, before Mr. Panzeca arrived?

A It was some time -- I just don't know how long -- because he attempted to locate Mr. Wegmann at first; as a last resort he called Mr. Panzeca.

Q Now, Mr. Ivon, did you see Mr. Edward Wegmann in the District Attorney's Office on the evening of March 1, 1967?

A I seen one of the Wegmanns, (indicating) the gentleman sitting next to Mr. Shaw.

MR. ALCOCK:

1 Let the record reflect that the witness  
2 has indicated the counsel Mr. Edward  
3 Wegmann.

4 THE COURT:

5 Let it be noted in the record.

6 BY MR. ALCOCK:

7 Q Do you recall approximately what time Mr.  
8 Wegmann arrived at the office?

9 A No, I don't.

10 Q Do you recall whether or not it was prior to  
11 Mr. Panzeca's entrance into the office  
12 or subsequent to that?

13 A I believe he came after Mr. Panzeca.

14 Q Mr. Ivon, do you know as a matter of your own  
15 personal knowledge whether Mr. Wegmann  
16 was permitted to confer with Mr. Shaw?

17 A Yes, sir, he was.

18 Q Do you recall where in the office this con-  
19 versation took place?

20 A No, I do not.

21 Q Do you recall, Mr. Ivon, approximately how  
22 long this conference was?

23 A No.

24 Q Was Mr. Panzeca still in the District  
25 Attorney's Office, to the best of your

1 recollection, at the time that Mr.  
2 Wegmann appeared?

3 A Yes.

4 Q Do you know whether or not, of your own  
5 knowledge, both attorneys conferred with  
6 their client?

7 A Yes.

8 Q Do you know whether, of your own knowledge,  
9 both attorneys conferred with their  
10 client together?

11 A No, I don't.

12 Q Now, Mr. Ivon, directing your attention again  
13 to the date of March 1, 1967, and more  
14 specifically to the evening hours, did  
15 you have occasion to place the Defendant  
16 Clay Shaw under arrest?

17 A Yes.

18 Q And where were you physically, and where was  
19 he physically, at the time the arrest was  
20 effected?

21 A He was in the small office directly across  
22 from the Investigator's office.

23 Q Would this have been the same office that you  
24 referred to prior in your testimony?

25 A Yes.

1 Q At the time that you placed the Defendant  
2 under arrest, were either Mr. Panzeca  
3 or Mr. Wegmann present?

4 A I believe both were present.

5 Q At the time you placed the Defendant under  
6 arrest, did you advise him of his  
7 Constitutional rights?

8 A Yes.

9 Q Subsequent to placing the Defendant under  
10 arrest, Mr. Ivon, did you have occasion  
11 to take him anywhere?

12 A No.

13 Q At the time you advised the Defendant of his  
14 Constitutional rights, can you recall  
15 now, or at least essentially recall now,  
16 what rights you advised him of at that  
17 time?

18 A I advised him of his right to remain silent,  
19 that anything he might say could possibly  
20 be used against him. Of course, his  
21 attorneys were present at that time, and  
22 interjected into this, and advised me  
23 that the client did not wish to speak.

24 Q Do you recall which of the attorneys inter-  
25 jected this?

1 A I think it was Mr. Wegmann, I am not sure.

2 Q Now I take it then, Mr. Ivon, that Mr.

3 Wegmann was close at hand at the time  
4 that you advised him of his rights?

5 A Yes.

6 Q Did you have occasion, Mr. Ivon, subsequent  
7 to the placing of the Defendant under  
8 arrest, to take him to the Central  
9 Lockup?

10 A Yes.

11 Q And who was with you when you took him to the  
12 Central Lockup?

13 A Officer Loisel, Al Oser, Assistant District  
14 Attorney, Mr. Wegmann, and Mr. Shaw.

15 Q Mr. Ivon, did you walk over to the Central  
16 Lockup or ride over in an automobile?

17 A In an automobile.

18 Q Do you recall whose automobile it was?

19 A The District Attorney's.

20 Q Do you recall who was in the automobile?

21 A Yes. Myself -- I was driving it -- Mr. Oser  
22 was sitting in the front with me, Lynn  
23 Loisel in the back seat, Mr. Wegmann and  
24 Mr. Shaw.

25 Q (Exhibiting photograph to witness) Mr. Ivon,

I am going to show you what I have marked for purposes of identification as "State 56," and I ask you if you recognize the scene depicted in this picture?

A Yes, I do.

Q Where have you seen that scene before?

A This is when we were taking Mr. Shaw to Central Lockup.

(Whereupon, the document referred to by Counsel was duly marked for identification as "Exhibit S-56.")

BY MR. ALCOCK:

Q Do you recognize any of the persons depicted in that picture?

A All of them.

Q Do you see any of the persons depicted in the picture in the courtroom today?

A Mr. Shaw and Mr. Wegmann.

Q Who is the other person in the picture?

A Officer Loisel.

Q Do you know where this picture was taken?

A No, I don't.

Q Mr. Ivon, do you recall whether or not, to the best of your knowledge, this was the

1 seating arrangement in the back seat of  
2 the automobile on the way to the Central  
3 Lockup?

4 A Yes, it was.

5 Q Did you go directly to the Central Lockup?

6 A Yes.

7 Q During the course of your ride from the  
8 Criminal District Court Building to the  
9 Central Lockup, were there any questions  
10 asked of the Defendant?

11 A No.

12 Q Now, what, if anything, did you do, Mr. Ivon,  
13 when you arrived at the Central Lockup?

14 A Well, we drove around the rear of the Central  
15 Lockup, drove in the Central Lockup it-  
16 self and took him into the Central Lock-  
17 up.

18 Q Mr. Ivon, did you personally have anything  
19 to do with the booking of the Defendant  
20 on that occasion?

21 A No, I did not.

22 Q While at the Central Lockup, did you have  
23 occasion to question the Defendant any  
24 further?

25 A No, I did not.



1 seating arrangement in the back seat of  
2 the automobile on the way to the Central  
3 Lockup?

4 A Yes, it was.

5 Q Did you go directly to the Central Lockup?

6 A Yes.

7 Q During the course of your ride from the  
8 Criminal District Court Building to the  
9 Central Lockup, were there any questions  
10 asked of the Defendant?

11 A No.

12 Q Now, what, if anything, did you do, Mr. Ivon,  
13 when you arrived at the Central Lockup?

14 A Well, we drove around the rear of the Central  
15 Lockup, drove in the Central Lockup it-  
16 self and took him into the Central Lock-  
17 up.

18 Q Mr. Ivon, did you personally have anything  
19 to do with the booking of the Defendant  
20 on that occasion?

21 A No, I did not.

22 Q While at the Central Lockup, did you have  
23 occasion to question the Defendant any  
24 further?

25 A No, I did not.

Q Can you tell me, Mr. Ivon, what rooms, if any, you entered into personally while over at the Lockup on that occasion?

A Well, the area where you take prisoners at there, also the area where they fingerprint the prisoners, and behind the booking cage of the Central Lockup.

Q Were you in a position, Mr. Ivon, to see the actual booking of the Defendant in this case?

A Yes.

Q Were you in a position to see the fingerprinting of the Defendant in this case?

A Yes.

Q Did you see the entire fingerprinting procedure?

A No, I did not.

Q Did you recognize the officer who fingerprinted the Defendant in this case?

A Yes.

Q What is his name?

A Aloysius Habighorst.

Q (Exhibiting photograph to witness) Mr. Ivon, I am going to show you what I have marked for purposes of identification as "S-57,"

1 and ask you if you recognize the area  
2 and the scene depicted in this picture?

3 A Yes. This is the doorway to the B of I where  
4 they fingerprint the prisoners.

5 Q Is that in the Central Lockup?

6 A Yes, it is.

7 (Whereupon, the document referred  
8 to by Counsel was duly marked for  
9 identification as "Exhibit S-57.")

10 BY MR. ALCOCK:

11 Q Now relating to your activities on that night,  
12 that is, the night of March 1, 1967, did  
13 you ever have occasion to go through  
14 that doorway and on into the room that it  
15 leads to?

16 A Yes.

17 Q (Exhibiting photograph to witness) I now show  
18 you what I have marked for purposes of  
19 identification as "State-58," and I ask  
20 you if you recognize this scene.

21 A Yes, this is the booking area in Central Lock-  
22 up.

23 (Whereupon, the document referred  
24 to by Counsel was duly marked for  
25 identification as "Exhibit S-58.")

p20

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1 BY MR. ALCOCK:

2 Q Did you have occasion on the night of March 1  
3 to be in this area at all?

4 A Yes.

5 Q Is this the area that the Defendant was booked  
6 in?

7 A Yes.

8 Q (Exhibiting photograph to witness) I now show  
9 you what I have marked for purposes of  
10 identification as "State-59," and I  
11 ask you if you recognize the area de-  
12 picted in that photograph.

13 A Yes. This is the B of I where they finger-  
14 print prisoners in Central Lockup.

15 (Whereupon, the document referred  
16 to by Counsel was duly marked for  
17 identification as "Exhibit S-59.")

18 BY MR. ALCOCK:

19 Q Now relating your testimony back to the night  
20 of March 1, 1967, did you have occasion  
21 at any time during the fingerprinting of  
22 the Defendant to be in that room?

23 A I was in and out.

24 Q Could you estimate for us the longest period  
25 of time that you were in during the

1 fingerprinting of the Defendant?

2 A Five, ten minutes.

3 Q Do you recall whether or not the physical  
4 objects in this picture, that is, the  
5 desk and the other objects, were posi-  
6 tioned in this position on the night of  
7 March 1, 1967, to the best of your recol-  
8 lection?

9 A I would think so, because this desk is in the  
10 same place. I sat down there to fill  
11 out some forms.

12 Q Now, Mr. Ivon, directing your attention again  
13 to State-58, which purports to be, by  
14 your testimony, a picture of the booking  
15 area of the Central Lockup, do you recall  
16 at any time on the night of March 1,  
17 1967, the presence of either Mr. Panzeca  
18 or Mr. Wegmann within the area shown in  
19 S-58?

20 A Yes, Mr. Wegmann came into the booking area  
21 with us when we drove in.

22 Q Now with reference to State-59, which, accord-  
23 ing to your testimony, is the area in  
24 which the Defendant was fingerprinted, do  
25 you recall at any time on the night of

D22

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1 March 1 the presence of either Mr.

2 Panzeca or Mr. Wegmann within this room?

3 A No, I don't.

4 Q Again referring you to S-59, which you have  
5 testified is the area of the fingerprint-  
6 ing, or the fingerprinting room, do you  
7 recall at any time on that night seeing  
8 any Assistant District Attorney in that  
9 room?

10 A No.

11 Q Do you recall seeing any member of the New  
12 Orleans Police Department assigned to the  
13 District Attorney's Office at that time,  
14 in this room?

15 A No. I believe I was the only one.

16 Q Do you recall, of your own knowledge, Mr. Ivon,  
17 where Mr. Loisel went when you were over  
18 there at the Central Lockup?

19 A No, I don't.

20 MR. ALCOCK:

21 I tender the witness.

22 THE COURT:

23 Take this for the record -- I should have  
24 placed it there before: The evidence  
25 being elicited out of the presence

1 of the Jury is for the purpose of  
2 laying a predicate for an inculpatory  
3 oral statement.

4 I wanted that to go in the record. You  
5 may proceed, Mr. Dymond.

6 CROSS-EXAMINATION

7 BY MR. DYMOND:

8 Q Mr. Ivon, is it not a fact that Mr. Shaw's  
9 attorneys on March 1 in the District  
10 Attorney's Office instructed him to make  
11 no statement at all, and advised you and  
12 the other law enforcement officers  
13 present that he was to make no statement?

14 A He advised me.

15 Q I see. Was anyone else within earshot when he  
16 advised you?

17 A I believe Andrew Sciambra.

18 Q I see. And of course Mr. Sciambra was  
19 participating in the investigation at  
20 that time, was he not?

21 A Yes.

22 Q Now, Mr. Ivon, you say that during the finger-  
23 printing procedure you were in and out  
24 of the Bureau of Identification room in  
25 the Central Lockup?

1 A Yes.

2 Q Approximately how long did the fingerprinting  
3 and mugging procedure take?

4 A I have no idea.

5 Q Well, were you there during the entire pro-  
6 cedure, I mean in the building?

7 A I was back in Central -- no, I wasn't there  
8 the whole time, I believe I left before  
9 he was actually put on the books.

10 Q Where were you when he first went into the  
11 B of I room, that is, to be printed and  
12 mugged?

13 A I believe I was right alongside of him.

14 Q Did you go in with him or not?

15 A I am not sure; I think I did.

16 Q Then how long did you stay in there on that  
17 occasion?

18 A A couple of minutes, in and out.

19 Q A couple of minutes in and out. I mean how  
20 long did you stay in there upon your  
21 first trip in?

22 A A couple of minutes.

23 Q Then where did you go?

24 A Out into the outer room where they book the  
25 prisoners.



1 Q For any particular reason?

2 A No. Actually the prisoner was in custody of

3 the Police Department Central Lockup

4 at that time.

5 Q So you were actually finished with the arrest

6 procedure, is that right?

7 A Yes.

8 Q Now, did you have any particular reason for

9 staying around there after he had been

10 turned over to the Central Lockup?

11 A To fill out some forms.

12 Q What forms did you have to fill out?

13 A Arrest Sheet, Rights of Arrestee form.

14 Q How about the Field Arrest Report? Did you

15 fill that out?

16 A Not in -- I believe the officers in Central

17 Lockup fill those out.

18 Q You are familiar with the Field Arrest Report

19 form, are you not, sir?

20 A No, not really.

21 Q (Exhibiting document to witness) I show you

22 an exhibit which has been marked for

23 identification "D-14," purporting to be

24 the New Orleans Police Department Field

25 Arrest Report, and I ask you whether you

1 are familiar with that.

2 A I have seen these forms before.

3 (Whereupon, the document referred  
4 to by Counsel was duly marked for  
5 identification as "Exhibit D-14.")

6 BY MR. ALCOCK:

7 Q Have you made arrests before, Mr. Ivon?

8 A Many times; not since these forms have been  
9 in operation.

10 Q In other words, would I be correct in saying  
11 that you have never filled out one of  
12 these forms?

13 A I may have. There is no way I would know.

14 Q You don't remember ever having filled one out?  
15 Is that right?

16 A No.

17 MR. DYMOND:

18 Your Honor, we have sent outside for the  
19 original Field Report form on this  
20 case, which a witness has outside.

21 MR. PANZECA:

22 Can I bring that return in, Your Honor?

23 THE COURT:

24 What are you sending for?

25 MR. DYMOND:

D27

The original Field Arrest Report on  
Mr. Shaw.

THE COURT:

Do you have it in your presence?

MR. DYMOND:

Right out in the hall. Captain Curole  
has it. We subpoenaed it.

THE COURT:

Is it under subpoena duces tecum?

MR. DYMOND:

Yes, it is, Your Honor.

THE COURT:

Can't we ask Captain Curole to come in  
and let him make his return on the  
subpoena?

MR. DYMOND:

Yes, we can. We would like to do that.

THE COURT:

Ask Captain Curole to step in.

(Whereupon, Captain Louis Curole  
entered the courtroom and was  
duly sworn by the Clerk.)

THE COURT:

Captain, did you bring with you anything  
subpoenaed under a subpoena duces

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tecum by the Defense?

CAPTAIN CUROLE:

Yes, sir, I did.

THE COURT:

What have you brought with you?

CAPTAIN CUROLE:

I have brought all the records that were  
in my possession.

THE COURT:

Relating to whom?

CAPTAIN CUROLE:

The booking and release of Clay Shaw.

THE COURT:

May I see them?

(Documents exhibited to the Court.)

THE COURT:

Who subpoenaed these, the State or the  
Defense?

MR. DYMOND:

We did, the Defense.

THE COURT:

Show it to the Defense, and let me know  
if you are satisfied that is what you  
asked for, and, if it is, I will take  
possession of it until such time as

1 it is needed.

2 (Documents exhibited to Mr. Dymond.)

3 THE COURT:

4 Has the Captain brought in what you re-  
5 quested?

6 MR. DYMOND:

7 Right. We will ask that the record re-  
8 flect that in response to our sub-  
9 poena duces tecum Captain Curole  
10 has delivered to us the original of  
11 the Field Arrest Report and the  
12 original of the Arrest Register  
13 Sheet pertaining to the arrest of  
14 Mr. Shaw.

15 THE COURT:

16 May I suggest that you give these an  
17 identifying number, for identifica-  
18 tion purposes only as of this time.  
19 That would be "D-15."

20 MR. DYMOND:

21 Very well. We will mark the original of  
22 the Field Arrest Report as "Exhibit  
23 D-15," and then we will mark the  
24 original of the Arrest Register  
25 Sheet as "Exhibit D-16" for identifi-

1 cation.

2 (Whereupon, the documents referred  
3 to by Counsel were duly marked for  
4 identification as "Exhibit D-15"  
5 and "Exhibit D-16.")

6 THE COURT:

7 Now, on the return by Captain Louis  
8 Curole, he is turning those over to  
9 the Court, and I in turn am turning  
10 them over to Defense Counsel to use  
11 as they see fit. As far as the  
12 case is concerned, they have not  
13 been accepted into evidence as yet.

14 MR. DYMOND:

15 Right.

16 THE COURT:

17 -- until the State gets a chance to ob-  
18 serve them. If you wish to use  
19 either of these exhibits in question-  
20 ing the witness, I would suggest  
21 you show them to the District Attor-  
22 ney first.

23 MR. DYMOND:

24 We will do that, certainly.

25 (Documents exhibited to Counsel

for the State.)

THE COURT:

Do you have any further need of Captain  
Curole?

MR. WILLIAM WEGMANN:

He is under subpoena. He is going to  
wait in the hall.

THE COURT:

You are still under subpoena, Captain.

You may leave the courtroom.

(Captain Curole excused.)

BY MR. DYMOND:

Q Mr. Ivon, did Mr. Clay Shaw make any state-  
ments to you before you took him over to  
the Central Lockup and delivered him  
there?

A Answers to questions I may have asked him?

Q That is correct.

A No.

Q Did you ever examine the original Arrest  
Register in connection with his arrest?

A Have I examined it?

Q That is correct.

A What do you mean by that?

Q Did you ever look at it and read it over?

D32

1 A I may have.

2 Q Do you know what an Arrest Register Sheet  
3 looks like?

4 A Is that what you just showed me?

5 Q No, it is not.

6 A Probably I have seen them, I may have even  
7 filled some out.

8 Q (Exhibiting document to witness) I show you  
9 an exhibit which we have marked for  
10 identification "D-17," purporting to be  
11 an original Arrest Register Sheet, and I  
12 ask you if you are familiar with that  
13 form?

14 A I have seen them before.

15 (Whereupon, the document referred  
16 to by Counsel was duly marked for  
17 identification as "Exhibit D-17.")

18 BY MR. DYMOND:

19 Q Did you examine the original Arrest Register  
20 Sheet on Clay Shaw at any time?

21 A I don't know if I did.

22 Q (Exhibiting document to witness) I now show  
23 you an exhibit marked for identification  
24 "D-15," being the Field Arrest Report on  
25 Clay Shaw, which purports to bear your

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1 signature, and I ask you whether or  
2 not that is your signature on the docu-  
3 ment.

4 A It is.

5 Q Now, in view of your previous testimony that  
6 you did not know whether you had ever  
7 filled out one of these forms and were  
8 not familiar with the form, do you now  
9 recall having filled out this form?

10 A Yes, I filled it out, it is in my handwriting.

11 Q When did you fill that out?

12 A The night of the arrest.

13 Q Before or after you delivered him to Central  
14 Lockup?

15 A This was after I delivered him to Central  
16 Lockup. I believe I got the form from  
17 Central Lockup.

18 MR. ALCOCK:

19 Your Honor, if this was after Central  
20 Lockup delivery, this is on a predi-  
21 cate, this isn't relevant.

22 BY MR. DYMOND:

23 Q Do you remember where you went --

24 MR. ALCOCK:

25 I made an objection, Mr. Dymond.

034  
1 THE COURT:

2 Let me see if I understand your objec-  
3 tion. Would you repeat it, please?

4 MR. ALCOCK:

5 The objection is, No. 1, whether he  
6 filled these out or not is really  
7 irrelevant to the predicate on  
8 freeness and voluntariness of any  
9 inculpatory statement, especially  
10 as he has just testified he probably  
11 filled it out after the booking pro-  
12 cedure.

13 MR. DYMOND:

14 Your Honor, he said he didn't know when  
15 he filled it out, whether before or  
16 after. The only way to find out is  
17 to pursue it.

18 THE COURT:

19 I remember Officer Ivon stated -- this is  
20 out of the presence of the Jury --  
21 the only reason he hung around, to  
22 use the vernacular, in Central Lock-  
23 up was to fill out reports after --  
24 this report after he had been turned  
25 over to the Police.

D35

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1 MR. DYMOND:  
 2 He didn't even know what this document --  
 3 MR. ALCOCK:  
 4 That is irrelevant to the predicate,  
 5 Your Honor.  
 6 THE COURT:  
 7 Are you alleging certain information made  
 8 and information filled out prior to  
 9 him being turned over to the New  
 10 Orleans Police Department?  
 11 MR. DYMOND:  
 12 I am not alleging anything, Your Honor,  
 13 I am just examining the witness.  
 14 THE COURT:  
 15 The kind of predicate they are laying,  
 16 or attempting to lay, as I understand  
 17 at this moment occurred prior to the  
 18 time Mr. Shaw was physically turned  
 19 over to the New Orleans Police De-  
 20 partment.  
 21 MR. DYMOND:  
 22 That is correct.  
 23 THE COURT:  
 24 If you are questioning the witness about  
 25 some events which occurred after Mr.

D36

1 Shaw being turned over to the  
2 New Orleans Police Department, it  
3 is immaterial and irrelevant and  
4 has nothing to do with the predi-  
5 cate.

6 Is that your objection?

7 MR. ALCOCK:

8 No, Your Honor. I would like to clari-  
9 fy for the Court, if I may.

10 As the Court knows, the law has been  
11 changed and of course you cannot  
12 mention any confession or inculpa-  
13 tory statement in the opening state-  
14 ment. If the State could put that  
15 in, the Court would be more oriented  
16 as to the time the State is alleging  
17 the statement was made. This  
18 alleged statement was made during  
19 the fingerprinting procedure of the  
20 Defendant, so he had been turned  
21 over, as I appreciate Officer Ivon's  
22 testimony, to the New Orleans Police  
23 Department, the alleged statement  
24 being made to Habighorst, not to  
25 Ivon. My objection is to the

Reference copy, JFK Collection: HSCA (RG 233)

D37

1 relevancy of how he filled out  
2 forms when that forms no basis or  
3 gives this Court no indication of  
4 whether or not the Defendant made  
5 the alleged statement freely and  
6 voluntarily and after having been  
7 advised of his Constitutional  
8 rights, which is the sole purpose  
9 for the laying of a predicate.

10 MR. DYMOND:

11 If the Court please, we have no way of  
12 knowing as of right now when the  
13 form was filled out. That is what  
14 we are trying to find out. The  
15 Officer has stated in his testimony  
16 that probably it was after Mr. Shaw  
17 was turned over to Central Lockup.  
18 He has not been positive in it, and  
19 I think we are entitled to inquire  
20 into it.

21 THE COURT:

22 Let me ask the witness one or two ques-  
23 tions that may clarify the situation.

24 BY THE COURT:

25 Q Officer Ivon, since you have been attached to

1 the District Attorney's Office, you do  
2 not act -- normally or ordinarily the  
3 scope of your business affairs is not  
4 the same as ordinary police officers,  
5 is that correct?

6 A That is correct.

7 Q So that you would not have the opportunity,  
8 as other officers do, to fill out these  
9 forms?

10 A That is correct.

11 Q Now, this particular night in question of  
12 March 1, 1967, were you present when  
13 Officer Habighorst was fingerprinting  
14 Mr. Shaw?

15 A No, I was not.

16 THE COURT:

17 Well, Mr. Alcock, why, except out of an  
18 abundance of precaution, why are you  
19 using this witness on a predicate if  
20 he wasn't there when the statement  
21 was made?

22 MR. ALCOCK:

23 Your Honor, I am simply using this wit-  
24 ness to show the presence of counsel  
25 throughout any questioning that

1 might have taken place, to destroy  
2 any possible taint that might creep  
3 into the alleged statement because  
4 of prior abuse or coercion. I am  
5 merely attempting to give this Court  
6 a complete picture of what trans-  
7 pired on that night, to show the  
8 Court that any statement that might  
9 have been made was made freely and  
10 voluntarily and after the man had  
11 been duly advised of his Constitu-  
12 tional rights.

13 MR. DYMOND:

14 If the Court please, if the State is  
15 going to give the Court a complete  
16 picture, we are certainly entitled  
17 to cross-examine on that complete  
18 picture.

19 MR. ALCOCK:

20 Not unless it deals with relevancy to  
21 the predicate, and not unless it  
22 deals with whether or not he gave  
23 the statement freely and voluntarily  
24 after being duly advised of his  
25 rights. That is the only issue be-

1 fore the Court at this time.

2 THE COURT:

3 There is no question about that, I think  
4 we all agree.

5 MR. DYMOND:

6 There is no argument about that, we all  
7 know that.

8 THE COURT:

9 Are you seeking, Mr. Dymond, to find out  
10 when the Officer filled out the re-  
11 port?

12 MR. DYMOND:

13 Correct.

14 BY THE COURT:

15 Q Can you come up with an answer? I am not  
16 trying to force you, but can you tell us  
17 when you made this report out?

18 A I made it out on March 1.

19 Q That is a whole day; we want to know the hour  
20 and minute if possible.

21 A No, I can't remember.

22 Q Well, how would you have gotten the information  
23 that was on that report unless you had to  
24 speak to somebody to get it? Right?

25 A No, not necessarily. I had enough information



1 about Mr. Shaw I believe to fill out a  
2 form, get it from the Booking Sergeant  
3 at the Central Lockup.

4 Q Wouldn't you have filled out this report prior  
5 to you turning Mr. Shaw over physically  
6 to the New Orleans Police Department?

7 A No, it was after I turned him over to Central  
8 Lockup.

9 Q That is what I have been trying to get you to  
10 say, was it before or after.

11 BY MR. DYMOND:

12 Q Mr. Ivon, isn't it a fact that a prisoner  
13 isn't booked until you fill out this  
14 Field Arrest form?

15 A I don't know the procedure back there -- they  
16 gave me that form that night to fill out.  
17 -- I don't know what procedure they have  
18 back in Central Lockup.

19 Q Did you also sign the affidavit for a search  
20 warrant in this case?

21 MR. ALCOCK:

22 Objection, Your Honor.

23 THE COURT:

24 I will permit it at this time, out of the  
25 presence of the Jury.

MR. ALCOCK:

It is outside of the scope of the predicate also.

THE COURT:

I know it is. What does the search warrant have to do with a free and voluntary --

MR. DYMOND:

Are you going to permit it? You said you would permit it.

THE COURT:

I will permit it.

BY MR. DYMOND:

Q Did you also make the affidavit for the search warrant in connection with this case?

A For Mr. Shaw's house?

Q Yes.

A I don't remember if I did or not.

MR. ALCOCK:

Your Honor, I am going to object to any questions relative to this document. An application for a search warrant has no relevancy in the matter before the Court at this time.

MR. DYMOND:

If the Court please, Your Honor --

MR. ALCOCK:

-- unless they can establish that it was made out at approximately the same time that Officer Habighorst was fingerprinting the Defendant.

MR. DYMOND:

If the Court please --

THE COURT:

What is the purpose of going into the search warrant at this time?

MR. DYMOND:

If the Court please, Your Honor said he would permit the question as to whether he made the search warrant out. He answered that, said he didn't know whether he had or not. I want to now submit the warrant to him and ask him whether his signature is on it.

THE COURT:

I will permit that, but I am not going to permit you to go into details of the application.

D44

1 BY MR. DYMOND:

2 Q (Exhibiting document to witness) I show you  
3 an exhibit which has been marked for  
4 identification "D-18," purporting to  
5 be an application for a search warrant  
6 to search the home of the Defendant,  
7 being under date of March 1, 1967, and  
8 I refer you to the last page of this  
9 document and ask you whether you executed  
10 that.

11 A Yes, that is my signature.

12 (Whereupon, the document referred  
13 to by Counsel was duly marked for  
14 identification as "Exhibit D-18.")

15 BY MR. DYMOND:

16 Q Now, was this search warrant executed -- at  
17 what time on March 1?

18 MR. ALCOCK:

19 Objection, unless this man was present  
20 when it was executed. You mean exe-  
21 cution of the search or --

22 MR. DYMOND:

23 No, the affidavit.

24 THE COURT:

25 What time of day was the application

signed?

MR. DYMOND:

By this witness?

THE COURT:

When did you sign that?

THE WITNESS:

I don't remember what time it was.

BY MR. DYMOND:

Q Was it before or after Mr. Shaw was delivered  
to Central Lockup?

A I can't remember.

Q Was it in the daytime or nighttime?

A I believe it would have to be in the afternoon.

I am not sure.

Q Mr. Ivon, you say you were in and out of the  
B of I room while the fingerprinting and  
the mugging was taking place, is that  
right, sir?

A Yes.

Q Was Mr. Edward Wegmann present in the Bureau  
of Identification room during this pro-  
cedure?

A I seen him by the door; I don't know if he was  
in the room himself.

Q Was Mr. Panzeca in the Bureau of Identification

1 room at this time?

2 A I don't remember.

3 Q Do you know of any of Mr. Clay Shaw's attor-  
4 neys who were present in the B of I  
5 room when he was being printed and  
6 mugged?

7 A No.

8 MR. DYMOND:

9 That is all, sir.

10 MR. ALCOCK:

11 No further questions.

12 THE COURT:

13 You may step down. Call your next wit-  
14 ness.

15 (Witness excused.)

16 MR. ALCOCK:

17 Call Officer Habighorst.

18 MR. DYMOND:

19 Your Honor, we would ask that Mr. Ivon  
20 remain under the subpoena.

21 THE COURT:

22 You are still under the subpoena.

23 MR. ALCOCK:

24 We have to put him back on before the  
25 Jury anyway.

D47

1 MR. DYMOND:

2 As long as that is going to be done, it  
3 is all right.

4 MR. WILLIAM WEGMANN:

5 Judge, at this time we would move for an  
6 instanter subpoena for Officer  
7 George Vogt, III, V-o-g-t.

8 THE COURT:

9 Draw up an instanter subpoena for Officer  
10 George Vogt, III. Let the Sheriff  
11 call the Personnel Office of the  
12 New Orleans Police Department. I  
13 think they can do it by telephone  
14 quicker than running him down.

15 MR. WILLIAM WEGMANN:

16 I agree with you. He may be over in  
17 Central Lockup.

18 THE COURT:

19 Put down on the instanter subpoena the  
20 address of the person as possibly or  
21 probably the Central Lockup.

22 Are you ready to proceed with this witness?

23 MR. ALCOCK:

24 Yes, Your Honor.

25 THE COURT:

D48

1 Proceed.

2 ALOYSIUS J. HABIGHORST,

3 having been first duly sworn, was examined and  
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MR. ALCOCK:

7 Q State your full name, please.

8 A Aloysius J. Habighorst.

9 Q What is your occupation?

10 A Police Patrolman.

11 Q How long have you been a member of the Police  
12 Department?

13 A Fifteen and a half years.

14 Q Officer Habighorst, do you generally wear  
15 dark glasses?

16 A I don't generally wear dark glasses. I was  
17 involved in a hit-and-run accident  
18 yesterday, and this is the only glasses  
19 I have until they are able to be re-  
20 paired.

21 Q To what division or area of the Police De-  
22 partment, Officer, are you presently  
23 assigned?

24 A I am assigned to Section B of the Municipal  
25 Court, Judge Andrew Bucaro.



D49

Reference copy, JFK Collection: HSCA (RG 233)

1 Q And directing your attention to the month --  
2 or rather the first day of March, 1967,  
3 what area or division of the Police  
4 Department were you assigned to on that  
5 occasion?

6 A I was assigned to the Central Lockup, Bureau  
7 of Identification.

8 Q And at that date -- that would be March 1 --  
9 how long had you been so assigned?

10 A Since the opening of the Lockup, which I be-  
11 lieve was in December, 1966.

12 Q I say subsequent to the date of March 1, 1967  
13 how long were you assigned to the Lockup.

14 A The entire time.

15 THE COURT:

16 When did you leave there?

17 THE WITNESS:

18 I left there April of 1968.

19 BY MR. ALCOCK:

20 Q Officer Habighorst, what were your duties at  
21 the Central Lockup?

22 A Fingerprinting and photographing of all  
23 arrested subjects.

24 Q On the night of March 1, 1967, did you have  
25 occasion to fingerprint and photograph

1 the Defendant Clay Shaw?

2 A Yes, sir.

3 Q Do you see him in the courtroom?

4 A Yes, sir.

5 Q Would you point to him, please.

6 A (Indicating) Sitting next to Mr. Panzeca,  
7 to his left.

8 MR. ALCOCK:

9 Let the record reflect that the witness  
10 has indicated the Defendant Clay  
11 Shaw.

12 THE COURT:

13 Let it be noted in the record.

14 BY MR. ALCOCK:

15 Q Do you recall approximately what time you  
16 first saw the Defendant at the Central  
17 Lockup on that date, that is, March 1?

18 A Approximately around 8:00 o'clock, 8:00 p.m.

19 Q Do you recall where you first saw him  
20 physically in the lockup area?

21 A In the -- inside the Bureau of Identification.

22 Q (Exhibiting photograph to witness) I am going  
23 to show you what I have marked for pur-  
24 poses of identification as "State 59"  
25 and ask you if you recognize the room

and area depicted in that photograph.

A This is the Bureau of Identification of the  
Central Lockup.

THE COURT:

Take your time. Speak out loud.

A This is the Bureau of Identification inside  
the Central Lockup.

(Whereupon, the photograph referred  
to by Counsel was duly marked for  
identification as "Exhibit S-59.")

BY MR. ALCOCK:

Q Is this the area in which you first saw the  
Defendant on that night?

A Yes, sir.

Q (Exhibiting photograph to witness) I am going  
to show you a photograph which I have  
marked for purposes of identification as  
"S" or "State-58," and I ask you if you  
recognize this area.

A This is the booking area immediately outside  
the Bureau of Identification.

Q Would that also be in the Central Lockup?

A Yes, sir.

(Whereupon, the photograph referred  
to by Counsel was duly marked for

D52

1 identification as "Exhibit S-58.")

2 BY MR. ALCOCK:

3 Q Now, Officer, when you first saw the Defendant  
4 in the area of the Bureau of Identifica-  
5 tion which you have identified in "S-59,"  
6 who, if anyone, was in his presence or  
7 company?

8 A Officer Ivon, Officer Loisel, Mr. Wegmann --  
9 one of the attorneys was in and out --  
10 I think Mr. Oser from the District  
11 Attorney's Office, other personnel in the  
12 Lockup.

13 Q Now, you have mentioned the name of Mr.  
14 Wegmann. Do you see the Mr. Wegmann that  
15 you say was in and out of the B of I area  
16 do you see him in the courtroom?

17 A (Indicating) The gentleman sitting immediately  
18 to the left of Mr. Shaw.

19 MR. ALCOCK:

20 Let the record reflect that the witness  
21 has indicated Counsel Mr. Edward  
22 Wegmann.

23 THE COURT:

24 Let it be noted in the record.

25 BY MR. ALCOCK:

1 Q Now after Defendant Shaw entered the Bureau  
2 of Identification room, what, if anyth:  
3 did you do in relation to him?

4 A We were waiting for the Arrest Register to b  
5 completed, and it was some time. In  
6 order to expedite matters I began to  
7 process the fingerprinting of Mr. Shaw,  
8 because I was told that he would arrange  
9 immediate bail, so to facilitate matters  
10 I filled out the fingerprint card with  
11 the information that I got from him. It  
12 was given to him, he signed his name on  
13 it, then his fingerprints was affixed to  
14 it. After this was done he was brought  
15 outside and he was officially booked and  
16 brought the copy of the Arrest Register  
17 back, and it was necessary for me to  
18 again take a set of flats on the face of  
19 the Arrest Register. After this was com-  
20 pleted he left the Bureau of Identifica-  
21 tion and I seen him no more.

22 Q Now, prior to your actually fingerprinting  
23 the Defendant, did you have a copy of  
24 the Arrest Register?

25 A No, sir.

D54

1 Q What is your procedure, Officer Habighorst,  
2 in fingerprinting someone? What questions  
3 do you ask, if any?

4 A Get from them their age, the full name --  
5 first, middle and last -- place of birth,  
6 date of birth, height, weight, color of  
7 eyes and hair, and any other names that  
8 they may use or may be known by.

9 Q Is this routinely done with all prisoners?

10 A All prisoners that is charged with a crime  
11 that would necessitate fingerprinting  
12 them -- not like drunks or minor infrac-  
13 tions of municipal ordinances, we  
14 wouldn't fingerprint.

15 Q Are the questions that you propounded to the  
16 various defendants or prisoners the same  
17 at all times, or generally at all times?

18 A Yes, sir, because the information -- it is a  
19 standard card.

20 Q Now, at the time that you were receiving what  
21 information you did from the Defendant,  
22 do you recall whether or not there was  
23 anyone present in the room?

24 A Yes, sir, there was Officer James Millet, who  
25 did the actual fingerprinting of Mr.

Reference copy, JFK Collection: HSCA (RG 233)

D55

1 Shaw. Sergeant Butzman was in and out  
2 the area. There were people coming in  
3 and out all the time.

4 Q Referring your attention to State Exhibit 59,  
5 which you stated was the area in which  
6 you fingerprinted the Defendant, could  
7 you show me and mark on this photograph  
8 the area where you were at the time you  
9 received this routine information from  
10 him?

11 A (Indicating) Seated here behind the desk, I  
12 was seated behind the desk and the type-  
13 writer right here (indicating).

14 Q And where was the Defendant Shaw?

15 A During the time that I was getting the infor-  
16 mation from him, he was over in this area  
17 here (indicating) where he was washing  
18 his hands in preparation to taking the  
19 fingerprints.

20 THE COURT:

21 Speak in the mike.

22 THE WITNESS:

23 He was washing his hands in this area to  
24 the left where the wash basin is.

25 BY MR. ALCOCK:

D56

56

1 Q Do you recall whether or not you elicited all  
2 the necessary information from him while  
3 he was over by the wash basin, or did  
4 you elicit some of it when he was closer  
5 to you?

6 A Some of it was by the wash basin and others  
7 when he was standing directly in front  
8 of the fingerprinting table.

9 Q Now, at the time that you elicited this rou-  
10 tine booking and fingerprinting informa-  
11 tion, did you in any way abuse the  
12 Defendant physically?

13 A No, sir.

14 Q Did you make him any promises of any nature?

15 A No, sir.

16 Q Other than the fact that you fingerprinted him  
17 without the Arrest Register, was there  
18 anything unusual about the fingerprinting  
19 procedure used for the Defendant?

20 A No, sir. Some people have one way of doing it  
21 and I have another way which is easier  
22 for me, which I consider easier for me,  
23 and to, like I said, facilitate matters  
24 to get him out -- we did have other  
25 prisoners to be processed in through



D57

1 there and couldn't bring no one else  
2 into this area while they were back in  
3 there.

4 Q Approximately, Officer Habighorst, how long  
5 was the Defendant in this room, the B of I  
6 room?

7 A Approximately about a half hour.

8 Q Did it take you that long, Officer, to elicit  
9 this routine information?

10 A No, sir, but he wasn't taken directly out  
11 after we had finished with him because  
12 they was still making up the rough draft  
13 of the Arrest Register, and that was the  
14 most, I guess, convenient place for him  
15 to be seated back there.

16 Q Did you have occasion to question him at all  
17 after you performed your duties in finger-  
18 printing him?

19 A Other than getting the information for the  
20 fingerprint card, no, sir, no other  
21 conversation whatsoever.

22 Q (Exhibiting document to witness) Officer, I am  
23 going to show you what I have marked for  
24 purposes of identification as "S-60,"  
25 and ask you if you recognize this docu-

ment.

A This is one of the first cards, fingerprint cards, taken of Mr. Shaw by Officer Millet, and because of the lightness of the ink, the impressions on there, he deemed it necessary to take another card.

(Whereupon, the document referred to by Counsel, was duly marked for identification as "Exhibit S-60.")

BY MR. ALCOCK:

Q Does your signature appear anywhere on that card?

A Yes, sir.

Q Does the Defendant's signature appear anywhere on that card?

A Yes, sir.

Q Was the card signed in your presence by the Defendant?

A Yes, sir.

Q Prior to his signing the card, was he permitted to read the card?

A Yes, but he requested that he be allowed to read it before he signed it.

Q Did he make any corrections or deletions?

A No, sir.

D59

Reference copy, JFK Collection: HSCA (RG 233)

1 Q Now, after the Defendant left the B of I  
2 area, did you have occasion to handle  
3 him at all any further in connection with  
4 your duties at the Central Lockup?

5 A No, sir. After he had left the B of I, I had  
6 other work to be done and I stayed in my  
7 immediate area of my office.

8 MR. ALCOCK:

9 I will tender the witness on the predi-  
10 cate.

11 CROSS-EXAMINATION

12 BY MR. WILLIAM WEGMANN:

13 Q Now, Officer Habighorst, do I understand your  
14 testimony correctly that in the B of I  
15 room while this interrogation went on,  
16 was Ivon, Loisel, Oser, and Ed Wegmann?

17 A They were in there on and off. Some of them  
18 stay there for a while, go out and get  
19 some other information, come back, and  
20 as I was beginning to process Mr. Shaw,  
21 who else came in there or how many times  
22 I couldn't say because my attention was  
23 diverted.

24 Q Let's take them one by one, Officer. Was  
25 Ivon ever in the B of I room that night?

- 1 A Yes, sir.
- 2 Q Was Loisel in the B of I room that night?
- 3 A Yes, sir.
- 4 Q Was Oser in the B of I room that night?
- 5 A Yes.
- 6 Q Was Ed Wegmann in the B of I room that night?
- 7 A He was right inside the doorway.
- 8 Q Was he inside the room or not?
- 9 A Yes, sir. Well, I would consider that inside
- 10 the room.
- 11 Q Now, was Butzman there during the whole time?
- 12 A No, sir.
- 13 Q That is Sergeant Butzman. You know who I
- 14 am talking about?
- 15 A Yes, sir.
- 16 Q Was Sergeant Butzman there?
- 17 A He was there but not during the entire pro-
- 18 cedure while I processed Mr. Shaw.
- 19 Q Was Captain Curole there?
- 20 A I didn't notice Captain Curole in the B of I
- 21 at all.
- 22 Q Was he in the Central Lockup?
- 23 A Yes, sir.
- 24 Q Isn't it a fact that the attorney was excluded
- 25 from the B of I room and not around to

61  
1 participate in that portion of the ex-  
2 amination?

3 A He was there for a time, now. Why he was  
4 excluded or taken from there I don't  
5 know, I never did leave the confines of  
6 the Bureau of Identification.

7 Q Was the attorney with him at the time he  
8 answered your questions?

9 MR. ALCOCK:

10 Objection, objection, Your Honor. He has  
11 already answered the question.

12 THE COURT:

13 I didn't catch the answer.

14 MR. WILLIAM WEGMANN:

15 His answer is I don't know.

16 BY THE COURT:

17 Q Officer, do you understand the question Mr.  
18 Wegmann asked you?

19 A Yes.

20 Q While you were taking the fingerprints of Mr.  
21 Shaw, was any attorney present with him?  
22 Is that the question?

23 A That is the question.

24 Q Was anyone with him or not?

25 A The attorney was at the door.

D62

Reference copy, JFK Collection: HSCA (RG 233)

1 Q I didn't ask you that. Was he with him?

2 MR. ALCOCK:

3 This is what he testified.

4 THE COURT:

5 I am trying to clarify. Would you re-  
6 phrase the question, Mr. Wegmann.

7 BY MR. WEGMANN:

8 Q At the time that you got the information that  
9 is contained on the back of the exhibit,  
10 the fingerprint exhibit that Mr. Alcock  
11 just showed you, was the attorney present  
12 during that period of time?

13 A No, sir.

14 Q And was he present when Mr. Shaw signed that  
15 card?

16 A Yes, sir.

17 Q Now you are positive about that?

18 A I recall him being at the doorway and Mr. Shaw  
19 was standing directly in front of me by  
20 the fingerprinting --

21 Q Was he inside the door or outside the door?

22 A He was just right inside the door proper.

23 Q Physically in the room, physically inside of  
24 the B of I?

25 A There is a little hallway that is there. I

1 would say that he was more in the con-  
2 fines of the B of I than he was outside  
3 in the booking area.

4 Q Was the door open or closed during this pro-  
5 cedure?

6 A The door is always open.

7 Q Never closed?

8 A No, sir.

9 Q Now, you know what a Field Arrest Report is,  
10 don't you?

11 A Yes.

12 Q Did you see a Field Arrest Report on Shaw?

13 A After I had fingerprinted him, yes, sir.

14 Q (Exhibiting document to witness) I show you  
15 a document which has been marked "D-15"  
16 for identification, and I ask you if you  
17 have ever seen this document before?

18 MR. ALCOCK:

19 Your Honor, to which question the State  
20 objects on the ground that it is not  
21 relevant to the predicate. It may  
22 be relevant later on but at this  
23 juncture it is not relevant.

24 THE COURT:

25 Is that based on the time element, Mr.

Alcock?

MR. ALCOCK:

Yes, Your Honor.

THE COURT:

Mr. Wegmann and Mr. Dymond elicited from the previous witness, Mr. Ivon, that this Field Report was made up by him after he turned Mr. Shaw over to the custody of the Central Lockup. When he did turn him over to the custody of the Central Lockup, he was then processed from one department over to Mr. Habighorst, and this report was not made until after he was in the custody of Mr. Habighorst.

MR. WEGMANN:

I think that what the Court has done now, in effect you have prompted this witness as to what the testimony of Ivon was.

THE COURT:

I never said what Ivon said.

MR. WEGMANN:

In effect you have gone over Ivon's testi-



D65

65

mony. I think I have a right to ask this witness when he saw it from a time purpose, time angle. He may never have seen it.

THE COURT:

Ask him the time.

MR. WEGMANN:

I have to show him the document before I can ask if he remembers seeing it.

MR. ALCOCK:

The Defense contention that this document in and of itself frightened Defendant into making a statement or in any way coerced the Defendant to make any statement, that is the sole issue before the Court.

THE COURT:

I know of no connection of this statement with the predicate you are laying, I can see no connection as of this moment.

BY MR. WEGMANN:

Q Officer Habighorst, when did you see that document for the first time on March 1?

A It was after the fingerprinting procedure.

1 Q It was after the fingerprinting procedure?

2 A Yes, sir.

3 Q And who gave it to you?

4 A I don't recall if anyone gave it to me.

5 Some of these papers I think are filed  
6 in the Magistrate's Court next morning,  
7 and being short-handed over there, you  
8 do a lot of work other than your assigned  
9 duties.

10 Q Officer, why on direct examination did you  
11 state that Ed Wegmann was in and out  
12 when you now tell us he was standing by  
13 the door all the time?

14 A When I would notice him he would be there, no  
15 further than by the door itself, he never  
16 did come any closer into the office  
17 other than right there by the door.

18 Q Isn't it a fact, Officer, that attorneys are  
19 excluded by your regulations from going  
20 into that room?

21 A Yes, sir.

22 Q Attorneys are not allowed in the room where  
23 you photograph and fingerprint people?

24 A That is correct.

25 Q Isn't that correct?

D67

Reference copy, JFK Collection: HSCA (RG 233)

1 A That is correct, yes, sir.

2 Q Yet you are saying on this night the attorney

3 was in that room --

4 A Yes, sir.

5 Q -- in violation of the regulations?

6 A How he got in I do not know. As I said before,

7 I did not leave the confines of the

8 Bureau of Identification, so if someone

9 let him in there, I wasn't lax, that was

10 not my responsibility to screen the people

11 coming in and out of that Lockup.

12 Q All right. (Exhibiting document to witness)

13 I show you a document which has been

14 marked "D-16" for identification, Officer,

15 and ask you if you are familiar with this

16 document?

17 A This is the Arrest Register.

18 Q So you are familiar with it?

19 A Yes, sir.

20 Q That is the Arrest Register on Clay Shaw?

21 A Yes, sir.

22 Q Now, isn't it a fact that you observed and saw

23 this Register before you took his finger-

24 prints?

25 MR. ALCOCK:

D68

Objection, Your Honor. Go ahead and  
answer the question.

THE COURT:

You can answer. Did you see it or did  
you not see it?

THE WITNESS:

I saw it in its entirety after I had  
fingerprinted him.

THE COURT:

What do you mean by "in its entirety"?

THE WITNESS:

Well, the whole thing was filled out,  
the entire Register was filled out.  
I hadn't seen it before.

BY MR. WEGMANN:

Q Didn't you see it before when it was partially  
filled out?

A No, sir.

Q Do you know who filled it out?

A No, sir.

MR. WEGMANN:

That is all.

MR. ALCOCK:

One further question.

REDIRECT EXAMINATION

1 BY MR. ALCOCK:

2 Q Officer, referring you to the fingerprint  
3 card which you have identified -- that  
4 would be "S-60" -- I am referring you  
5 to the personal information contained  
6 at the back portion of it (exhibiting  
7 document to witness). From whom, if  
8 anyone, did you get that information?

9 A This is the back of the Register here.

10 Q Well, the front then.

11 A The front of the Register is here. (Indi-  
12 cating) This information here I obtained  
13 from Mr. Shaw himself.

14 Q All right.

15 MR. ALCOCK:

16 No further questions.

17 RECROSS-EXAMINATION

18 BY MR. WEGMANN:

19 Q Was his attorney present when you obtained  
20 that information from him?

21 A As I stated before, some of the information,  
22 Mr. Wegmann, was in and out; now, I  
23 couldn't possibly state that he was there  
24 during the entire time that I got all the  
25 information, but some of the information

1 that I got from Mr. Shaw Mr. Wegmann  
2 was at that door.

3 Q What about the information that was just  
4 shown to you by Mr. Alcock?

5 A When I got that information from Mr. Shaw,  
6 as I stated, it is quite possible that  
7 he wasn't there for -- in its entirety.

8 Q Well, my question to you again, Officer, is:  
9 When you got that information that you  
10 have just pointed out to Mr. Alcock, was  
11 the attorney present or was he not  
12 present? Specifically, Officer, when you  
13 got information concerning an alias,  
14 was the attorney present?

15 A He could have been; I really couldn't say.

16 Q You don't know.

17 THE COURT:

18 Mr. Wegmann, will you permit an interrup-  
19 tion?

20 How far is the doorway from the table  
21 where you take the prints, how far  
22 away from it?

23 THE WITNESS:

24 Approximately about 15, 15 or 20 feet.

25 THE COURT:

D71

71

1 Say 20 feet?

2 THE WITNESS:

3 I would say from about here to where  
4 Mr. Alcock is sitting.

5 THE COURT:

6 That is about 30 feet?

7 THE WITNESS:

8 Fifteen feet.

9 THE COURT:

10 Let me ask you this: Were you speaking  
11 in a loud clear voice, or were you  
12 just speaking to Mr. Shaw when you --

13 THE WITNESS:

14 I was speaking directly to Mr. Shaw.

15 THE COURT:

16 Is there any way of knowing, Mr.

17 Habighorst, whether or not Mr. Eddie  
18 Wegmann, who was 15, 20, 30 feet  
19 away, could hear what you were say-  
20 ing to Mr. Shaw?

21 THE WITNESS:

22 No, I couldn't honestly say that he did  
23 hear it or he didn't hear it.

24 BY MR. WEGMANN:

25 Q How many times was he in and out of that room

D72

Reference copy, JFK Collection: HSCA (RG 233)

1 that night?

2 A I would say about twice or maybe three times.

3 My attention wasn't diverted by him.

4 I had no -- if they allowed maybe for  
5 some special reason to let him in there,  
6 I don't know, it wasn't for me to ques-  
7 tion it.

8 Q Did Ivon tell you that his attorneys had told  
9 Ivon that he was not to be questioned?

10 MR. ALCOCK:

11 Objection, Your Honor, unless it is in  
12 the presence of the Defendant, it  
13 is hearsay.

14 THE COURT:

15 The only thing I will permit is was he  
16 instructed. That I think is germane  
17 to the issue.

18 THE WITNESS:

19 The only thing I questioned Shaw --

20 THE COURT:

21 He didn't ask you that. Read the ques-  
22 tion.

23 (Whereupon, the pending question  
24 was read back by the Reporter.)

25 A I don't recall anyone telling me not to ques-



D73

tion Mr. Shaw.

BY MR. WEGMANN:

Q Did you advise Mr. Shaw of his Constitutional rights?

A I didn't advise him of his Constitutional rights because I didn't arrest him.

Q Your answer is no then?

A That is right.

Q You just started asking him questions?

A Yes, sir.

Q You didn't tell him what he had to answer and what he did not have to answer?

A I explained to him that this was part of the booking procedure. If he didn't give me the information I couldn't force it from him.

Q And you also told him that he had to be booked and this had to be done before he could make bond? Isn't that correct?

A The fingerprinting procedure is mandatory, that he be fingerprinted for such an offense before he could be bonded out.

Q And you told that to Shaw, that this had to be done before he could be released?

A Yes, sir.

MR. WEGMANN:

That is all the questions I have.

FURTHER REDIRECT EXAMINATION

BY MR. ALCOCK:

Q Officer, prior to seeing Shaw that night in the Central Lockup, did you know any of the facts or evidence the State may or may not have had in connection with his arrest?

A No, sir. Your office doesn't confide in me.

Q Did you interrogate this man at any time in that room relative to the innocence or guilt of the Defendant?

A No, sir.

Q Was the Defendant at any time reluctant to give you any information?

A No, sir, he was most cooperative.

Q Did the Defendant at any time request that his attorney be immediately at his side when you were conversing with him?

A Not of me, he didn't make none of those requests.

Q Had you participated in -- at all, Officer, in the investigation into the alleged assassination of President Kennedy at

D75

Reference copy, JFK Collection: HSCA (RG 233)

1                   that time?

2       A     No, sir.

3       Q     Did you have any knowledge at all about what

4                   the State might have had?

5       A     No, sir.

6           MR. ALCOCK:

7                   No further questions.

8                   FURTHER RECROSS-EXAMINATION

9       BY MR. WEGMANN:

10      Q     You do watch TV and read the newspapers, don't

11                   you, Officer?

12      A     Yes, sir.

13           MR. WEGMANN:

14                   That is all the questions I have.

15      MR. ALCOCK:

16                   No further questions.

17      THE COURT:

18                   Who is your next witness?

19      MR. ALCOCK:

20                   That is all the State has on the predicate.

21      THE COURT:

22                   You may step down.

23   (Witness excused.)

24      MR. DYMOND:

25                   We have evidence on the predicate, Your

D76

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1

Honor.

2

THE COURT:

3

All right. What is your next move, Mr.

4

Alcock?

5

MR. ALCOCK:

6

That is the State's evidence on the

7

predicate.

8

THE COURT:

9

Do you wish to traverse?

10

MR. DYMOND:

11

Yes, we do, Judge. Do you want us to go

12

into that now or do you want to re-

13

cess?

14

THE COURT:

15

It is about five minutes of 3:00. We

16

will take a recess. Have your wit-

17

nesses available after the recess.

18

(Whereupon, a brief recess was taken.)

19

AFTER THE RECESS:

20

THE COURT:

21

I believe the status of the trial is that

22

the Defense wishes to traverse the

23

predicate.

24

You may proceed, Mr. Dymond. Call your

25

first witness.

1 MR. DYMOND:

2 Call Captain Curole.

3 LOUIS J. CUROLE,

4 having been sworn and having testified previously,  
5 resumed the stand, and was examined and testified  
6 as follows:

7 DIRECT EXAMINATION

8 BY MR. DYMOND:

9 Q Captain, for the record, what is your full  
10 name?

11 A Louis James Curole.

12 Q Would you spell that for the Reporter, please.

13 A C-u-r-o-l-e.

14 BY THE COURT:

15 Q Captain, the previous oath you took is still  
16 binding.

17 A Yes, sir.

18 BY MR. DYMOND:

19 Q Now, Captain, as of March 1, 1967, were you  
20 attached to the New Orleans Police Depart-  
21 ment?

22 A Yes, sir, I was.

23 Q What was your rank at that time?

24 A I was a Lieutenant.

25 Q And what was your assignment?

- 1 A I was Platoon Commander at the Central  
2 Lockup.
- 3 Q And what were your hours of duty on March 1,  
4 1967?
- 5 A 3:00 p.m. to 11:00 p.m.
- 6 Q Were you on duty when this Defendant Clay  
7 Shaw was delivered to the Central Lockup --
- 8 A Yes.
- 9 Q -- by Mr. Louis Ivon?
- 10 A Yes, sir, I was.
- 11 Q You were. Was there a Sergeant Butzman who  
12 was on duty at that time as well?
- 13 A Yes, sir. He was the Assistant Platoon  
14 Commander.
- 15 Q Now, did you take any unusual precaution when  
16 Mr. Shaw was brought in, in connection  
17 with Sergeant Butzman?
- 18 A Yes, sir. I assigned Sergeant Butzman to  
19 remain with Mr. Shaw until the finger-  
20 printing was completed.
- 21 Q You say you assigned Sergeant Butzman to re-  
22 main with Mr. Shaw until the finger-  
23 printing was completed, is that right?
- 24 A Yes, that is correct, sir.
- 25 Q Now, Captain Curole, are you familiar with the

1 B of I room which is located in the  
2 Central Lockup building?

3 A Yes, sir, I am.

4 Q Is that the room in which the fingerprinting  
5 and mugging is done?

6 A That is correct, sir.

7 Q Are attorneys allowed in that room, Captain?

8 A As a rule attorneys are not allowed in the  
9 Central Lockup.

10 Q Now, are you acquainted with Mr. Edward  
11 Wegmann, one of the attorneys for Mr.  
12 Shaw?

13 A Yes, sir, I am.

14 Q Did you see Mr. Wegmann at the Central Lockup  
15 on March 1, 1967 when Mr. Shaw was de-  
16 livered to the Lockup?

17 A Yes, sir, I did.

18 Q Was or wasn't Mr. Wegmann permitted to enter  
19 the B of I room, Captain?

20 A No, sir, he was not.

21 Q Upon whose instructions was he excluded from  
22 that room?

23 A My instructions.

24 Q Did he ever go into the room, Captain?

25 A In the B of I room, sir?

1 Q Right.

2 A No, sir, he did not.

3 Q He did not. Now, Captain, do you know whether

4 Sergeant Butzman remained with Mr. Shaw

5 during the entire booking, printing and

6 mugging process?

7 A I did not see it, I didn't remain there. He

8 was assigned to him.

9 Q Did you order him to do so?

10 A Yes, sir.

11 Q Now, Captain, did Mr. Edward Wegmann express

12 any desire to go into the B of I room

13 on that night?

14 A No, sir, he did not.

15 THE COURT:

16 I didn't hear you.

17 THE WITNESS:

18 No, sir, he didn't.

19 THE COURT:

20 Speak a little louder.

21 THE WITNESS:

22 All right, sir.

23 BY MR. DYMOND:

24 Q Did you give any specific instructions as to.

25 staying out or going in, on that occasion



D81

81

1 to Mr. Wegmann?

2 A I don't understand the question.

3 Q Did you tell him that he could or could not  
4 go into the B of I room?

5 A No, sir, I did not.

6 Q Did you tell him whether attorneys were per-  
7 mitted in there?

8 A No, sir, I did not.

9 THE COURT:

10 Can you speak a little louder? You are  
11 merely whispering. Talk a little  
12 louder.

13 BY MR. DYMOND:

14 Q Now, my question is, Captain, did you tell  
15 Mr. Wegmann whether he as an attorney  
16 would be permitted to go in the B of I  
17 room while the fingerprinting and mugging  
18 was going on?

19 A No, sir, I did not.

20 Q You didn't give him any instructions along  
21 that line, is that right?

22 A No, sir. I told Mr. Wegmann that he could see  
23 his client as soon as the fingerprinting  
24 was completed.

25 Q I see. You told him that he could see the

1 client as soon as the fingerprinting was  
2 completed, is that right?

3 A That is correct, sir.

4 Q By that, did you or did you not mean that he  
5 could not see his client during the  
6 fingerprinting process?

7 MR. ALCOCK:

8 Object as leading, Your Honor.

9 THE COURT:

10 I will permit the question under these  
11 circumstances. The Jury is out of  
12 the presence. I can understand  
13 what is going on.

14 A When I asked Mr. Wegmann to leave, I asked  
15 him if he wanted to speak to his client.  
16 He said he did. I told him we would  
17 make his client available as soon as the  
18 fingerprinting was completed.

19 BY MR. DYMOND:

20 Q I see. Did you or did you not ask Mr. Wegmann  
21 to leave the booking area, Captain?

22 A Yes, sir, I did.

23 Q Did he comply with your request?

24 A Yes, he did, sir.

25 Q And where did he go, sir?

1 A Into the lobby.

2 Q Into the lobby?

3 A Yes, sir.

4 Q Did he remain there during the fingerprinting  
5 process, sir?

6 A I don't know, sir; I didn't see him after he  
7 left the booking office.

8 Q I see. Now, Captain, could you tell me what  
9 is a Field Arrest Report?

10 A It is a five-part form which is filed by the  
11 arresting officer, which gives the  
12 Central Lockup the necessary information  
13 to book the prisoner.

14 Q (Exhibiting document to witness) I show you  
15 what has been marked for identification  
16 "D-15," and I ask you whether you can  
17 identify that as the Field Arrest Report  
18 in connection with this Defendant.

19 MR. ALCOCK:

20 Your Honor, to be consistent I am going  
21 to have to object at this time on  
22 the ground of relevancy. This has  
23 nothing to do with the predicate,  
24 and that is all we are concerned  
25 with at this time.

D84

1 THE COURT:

2 Mr. Dymond, would you try to pinpoint  
3 the time element to find out if it  
4 is germane and relevant to this?

5 MR. DYMOND:

6 Yes, sir, I am going to do that.

7 THE COURT:

8 I will permit it.

9 BY MR. DYMOND:

10 Q Is that the Field Arrest Report in connection  
11 with Mr. Shaw, Captain?

12 A Yes, it is.

13 (Whereupon, the document referred  
14 to by Counsel was duly marked for  
15 identification as "Exhibit D-15.")

16 BY MR. DYMOND:

17 Q Now, Captain, according to Police procedures,  
18 when is this Field Arrest Report made  
19 out?

20 A Usually at the time of arrest.

21 Q At the time of arrest?

22 A Usually before the person is brought in. How-  
23 ever, some officers have filled them in  
24 at the Central Lockup.

25 Q (Exhibiting document to witness) I now show

D85

Reference copy, JFK Collection: HSCA (RG 233)

1                   you, Captain, a document which has  
2                   been marked for identification "D-16,"  
3                   and I ask you what that document is.  
4       A       This is the original copy of the Arrest  
5                   Register.  
6                   (Whereupon, the document referred  
7                   to by Counsel was duly marked for  
8                   identification as "Exhibit D-16.")  
9       BY MR. DYMOND:  
10      Q       Now, from where does the information for this  
11                   Arrest Register come, where is it ob-  
12                   tained?  
13      MR. ALCOCK:  
14                   Your Honor, again what does this have to  
15                   do with the predicate? If this were  
16                   the case-in-chief it might be rele-  
17                   vant, but on the predicate it is  
18                   irrelevant.  
19      MR. DYMOND:  
20                   If the Court please, I am still talking  
21                   about prior to the fingerprinting.  
22      THE COURT:  
23                   You are talking about prior to the finger-  
24                   printing?  
25      MR. DYMOND:

1 I am talking about prior to the finger-  
2 printing, correct.

3 A From the Field Arrest Report.

4 Q Now, Captain, after this Arrest Register  
5 Sheet is made out, what is done with  
6 whatever copies there are of this docu-  
7 ment?

8 MR. ALCOCK:

9 Objection. What has that got to do with  
10 whether or not this man gave a  
11 statement freely or voluntarily?

12 MR. DYMOND:

13 If the Court please, I am still talking  
14 about prior.

15 MR. ALCOCK:

16 I don't care when he is talking about,  
17 that is irrelevant to the issue.

18 MR. DYMOND:

19 If the Court please --

20 THE COURT:

21 Don't interrupt Mr. Dymond when he is  
22 speaking.

23 MR. ALCOCK:

24 I was making the objection, I was the one  
25 interrupted, not Mr. Dymond.

D87

1 THE COURT:

2 State your objection.

3 MR. ALCOCK:

4 My objection is that it is totally  
5 irrelevant to the issue of whether  
6 or not this man gave a statement,  
7 if he gave one, freely and voluntari-  
8 ly.

9 THE COURT:

10 As I understand, Mr. Dymond's question of  
11 Captain Curole was what happened to  
12 the copies of this original.

13 MR. DYMOND:

14 That is correct, and we are still talking  
15 about prior to the time of finger-  
16 printing, in an effort to follow  
17 your Honor's ruling.

18 THE COURT:

19 I don't know what is in these reports. If  
20 I look at them maybe I can understand  
21 what you are driving at. May I see  
22 them?

23 MR. DYMOND:

24 I would be glad to show them to the Court,  
25 surely.

MR. ALCOCK:

The State, Your Honor, would have no objection to their introduction in the case-in-chief. We just feel this is premature, that is all.

MR. DYMOND:

If the Court please, there is a relevancy which I will state after the Court peruses the documents.

THE COURT:

All right.

Now, this appears to me, Mr. Dymond, to be written, typing, in typing, and it states on the bottom, "The arrested person must retain this slip to claim property," it doesn't say what copy he is to retain.

Would you know, Captain, what copy of the report --

THE WITNESS:

Yes, sir. He retains the ninth copy.

THE COURT:

The ninth, n-i-n-t-h?

THE WITNESS:

Yes, sir.



1 THE COURT:

2 Why not put it in there that the  
3 arrested person retains the ninth  
4 copy instead of "this slip," which  
5 means the original. I suggest that  
6 that be amended, this is misleading.  
7 (Whereupon, Mr. Dymond handed a paper  
8 to the Court.)

9 THE COURT:

10 This is a blank form.

11 On the ninth copy, Captain, it has an  
12 additional piece of information,  
13 it has listed your rights as an  
14 arrested person following arraign-  
15 ment decision, and your rights as a  
16 defendant, --

17 THE WITNESS:

18 Correct.

19 THE COURT:

20 -- and this copy is given to the arrested  
21 person?

22 THE WITNESS:

23 That is correct.

24 THE COURT:

25 I see here, Captain, "Time of arrest

D90

1 5:20 p.m., time of booking 8:40  
2 p.m." To the best of your knowledge,  
3 was that the time that Mr. Shaw was  
4 being booked in the Central Lockup?

5 THE WITNESS:

6 Yes, sir -- I was there, sir -- yes, sir.

7 THE COURT:

8 Who filled this information in?

9 THE WITNESS:

10 The booking desk sergeant.

11 THE COURT:

12 Who would he be?

13 THE WITNESS:

14 Sergeant Vogt.

15 THE COURT:

16 Vogt. And where was Mr. Shaw at the  
17 time that Sergeant Vogt was typing  
18 this report up?

19 THE WITNESS:

20 Standing right by the booking room.

21 THE COURT:

22 And then he was fingerprinted afterwards?

23 THE WITNESS:

24 Yes, sir, after this is completed.

25 THE COURT:

After?

THE WITNESS:

Yes, sir.

THE COURT:

You are referring to something which occurred, either verbatim or otherwise, before he was fingerprinted? Is that correct, Mr. Dymond?

MR. DYMOND:

That is correct.

THE COURT:

You think it is relative to the predicate being laid, in view of the fact that the attorneys were present and had advised their client exactly what to do?

MR. DYMOND:

That is correct.

THE COURT:

Now, Captain Curole, this Field Arrest Report written in longhand, not typed, is this given over to the Fingerprint Department when the man is about to be fingerprinted, or who makes this up and what is its

D92

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purpose?

THE WITNESS:

It is made up by the arresting officer so that we will have the information available to book the man. It does not go into the Fingerprinting Department.

THE COURT:

This does not go into the Fingerprint Department?

THE WITNESS:

No, sir, it certainly does not.

THE COURT:

Would a copy of this be given over to Officer Vogt by Officer Ivon? Would he make this up and give a copy of this to Officer Vogt?

THE WITNESS:

Three copies would go to the booking desk sergeant, sir.

THE COURT:

It is written all in longhand?

THE WITNESS:

It is a form, sir, it comes in five parts, it is a five-part form.

1 THE COURT:

2 And this is --

3 THE WITNESS:

4 -- the original of that form.

5 THE COURT:

6 Would one of those forms go to those two  
7 persons fingerprinting?

8 THE WITNESS:

9 No, sir.

10 THE COURT:

11 Do you know -- there is no time element  
12 on this -- do you know what time  
13 Officer Ivon wrote up this Field  
14 Arrest Report?

15 THE WITNESS:

16 On the back we usually put the time.

17 However, in this instance the time  
18 clock was not working properly. If  
19 you will note, it has "February 30,  
20 8:45 a.m.," it should have been  
21 March 1, 8:45 p.m.

22 THE COURT:

23 It should have been March 1?

24 THE WITNESS:

25 The time clock was not working.

D94

1 THE COURT:

2 Now, this time of booking is 8:40 by  
3 Officer Vogt. He should have had  
4 this statement when he was drawing  
5 up this Arrest Register?

6 THE WITNESS:

7 The time placed on the Arrest Register  
8 is taken from a different clock.

9 THE COURT:

10 And this was prepared by Officer Ivon  
11 after this was prepared by Officer  
12 Vogt (indicating documents)?

13 THE WITNESS:

14 Before, sir.

15 THE COURT:

16 (Holding up document) This was prepared  
17 before?

18 THE WITNESS:

19 Yes, sir.

20 THE COURT:

21 You tell me 8:45?

22 THE WITNESS:

23 That is what the clock says, I am not  
24 saying it is correct, Your Honor.

25 THE COURT:

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25

Oh.

THE WITNESS:

I am saying this is the normal procedure  
to clock in these things. In this  
particular case the clock had to  
be wrong.

THE COURT:

(Indicating documents) This is 8:40,  
this is 8:45?

THE WITNESS:

Different clocks.

THE COURT:

And this is February 30 and this is  
March 1, 8:45?

THE WITNESS:

It can't --

THE COURT:

It was prepared prior to the preparation  
of this form?

THE WITNESS:

Yes, sir, it was.

THE COURT:

I think I understand what you are saying.  
What was the question you asked?  
I understand your objection, Mr. Alcock.

D96

Reference copy, JFK Collection: HSCA (RG 233)

1 Let me ask you to repeat your question  
2 so I will understand.

3 Off the record.

4 (Discussion off the record.)

5 MR. DYMOND:

6 I would like to bring out another ques-  
7 tion to explain the relevancy, and  
8 if the Court is in doubt after  
9 that, I will be glad to point it  
10 out specifically.

11 THE COURT:

12 You can ask your question. Let's see  
13 what happens.

14 BY MR. DYMOND:

15 Q Captain, when a man is sent in to be finger-  
16 printed, is anything sent into the B of I  
17 room with that man?

18 A Two copies of the Arrest Register.

19 Q When you say two copies of the Arrest Register,  
20 would that be two copies of this docu-  
21 ment marked for identification "D-16"?

22 A Parts 2 and 3 of that form.

23 MR. ALCOCK:

24 This is what my objection is to. Unless  
25 these were used as a weapon to force



D97  
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1                   this man to make some statement,  
2                   they are irrelevant at this time.  
3       THE COURT:  
4                   I see the relevancy of it, Mr. Dymond.  
5                   Two copies of that long sheet are  
6                   sent into the Fingerprint Department  
7                   to assist and aid him in drawing  
8                   up, putting this information on this  
9                   card.  
10       MR. DYMOND:  
11                  That is correct.  
12       MR. ALCOCK:  
13                  I agree it may be relevant to the case-  
14                  in-chief, Your Honor. I see exactly  
15                  what Counsel is attempting to do --  
16                  at least I think I do -- and it is  
17                  at least premature at this time.  
18       THE COURT:  
19                  I understand, too.  
20       MR. DYMOND:  
21                  If the Court please, I can very easily  
22                  point out the relevancy, if you want  
23                  me to.  
24       MR. ALCOCK:  
25                  My objection still stands: Unless it was

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1                   used as a weapon to force this man  
2                   to make a statement, at this time  
3                   it is irrelevant.

4           MR. DYMOND:

5                   Does Your Honor want to rule on the  
6                   relevancy first or want me to --

7           THE COURT:

8                   I see the relevancy.

9           MR. DYMOND:

10                   Would you rule on the objection then,  
11                   Your Honor?

12           THE COURT:

13                   I am going to overrule the State. I see  
14                   the relevancy at this time. You  
15                   may proceed.

16           BY MR. DYMOND:

17           Q       (Exhibiting document to witness) I now show  
18                   you a document marked for identification  
19                   "D-17," and I ask you, will you point  
20                   out to the Court the copies which are  
21                   sent with a prisoner to the B of I room  
22                   when he is sent in there for finger-  
23                   printing.

24           A       This copy, Part 2, and this copy, Part 3.

25           Q       Would Part 2 and Part 3 contain any informa-

D99

99

1                   tion as to aliases?

2           A       Yes, it would.

3           Q       It would.

4           THE COURT:

5                   Let me see the original prepared by  
6                   Officer Vogt.

7                   (Document handed to the Court.)

8           THE COURT:

9                   The original copy has a section which  
10                   pertains to aliases, too, does it  
11                   not?

12          THE WITNESS:

13                   This is just a carbon copy.

14          THE COURT:

15                   Whatever is on 2 and 3 would have to be  
16                   on the original?

17          THE WITNESS:

18                   Yes, sir.

19          THE COURT:

20                   The original has reference to aliases?

21          THE WITNESS:

22                   Right.

23          THE COURT:

24                   Prepared by Officer Vogt.

25                   The Jury is out, this is out of the

1 presence, so I am not what you call  
2 going outside the record. In  
3 other words -- Mr. Dymond, let's  
4 bring this thing to a head -- in  
5 other words, at the time Officer  
6 Habighorst was getting information  
7 to print and mug, as we use the  
8 term, Mr. Shaw, there was before  
9 him a copy of the Arrest Register,  
10 which indicated on said Arrest  
11 Register that Mr. Shaw was also  
12 going under the alias of Clay  
13 Bertrand.

14 MR. DYMOND:

15 That is correct.

16 THE COURT:

17 Now the question comes up: Whether or  
18 not Officer Habighorst asked Mr.  
19 Shaw any questions or not, he had  
20 this information in front of him  
21 from the official police document.  
22 Is that correct?

23 MR. DYMOND:

24 That is correct.

25 THE COURT:

And the next question comes: Did

Officer Habighorst violate the

rules that were laid down that no-

body question your client, and by

not questioning Mr. Shaw he took

it for granted and put "Clay

Bertrand" on the fingerprint card

as an alias without questioning

Mr. Shaw.

MR. DYMOND:

Your Honor is precisely correct in that.

THE COURT:

That is the whole point?

MR. DYMOND:

No, sir, if the Court please, there is

another point. Officer Habighorst

testified that he did not have this

information available to him.

THE COURT:

Yes, sir.

MR. DYMOND:

Therefore, this goes to the credibility of

Officer Habighorst.

MR. ALCOCK:

On a predicate, Your Honor, as to whether

D102

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1 or not he freely and voluntarily  
2 gave it? Are we now abandoning the  
3 attack that he did not give this  
4 information, that Habighorst copied  
5 it from something else, therefore  
6 there was no statement given and  
7 therefore no need of a predicate?  
8 We are solely on the predicate. My  
9 only objection -- I follow the  
10 Court's reasoning, I follow Mr.  
11 Dymond's reasoning -- happens to be  
12 that it is contrary to the testi-  
13 mony, however.

14 THE COURT:

15 I think I understand Mr. Alcock's posi-  
16 tion. Whether Mr. Habighorst had a  
17 printed, typewritten Register or  
18 not, your contention is that there  
19 was an oral inculpatory statement  
20 made by the Defendant irrespective  
21 of the --

22 MR. ALCOCK:

23 That is correct, and it was made freely  
24 and voluntarily without any promises  
25 or inducements. That is what this

D103

1 hearing is about.

2 THE COURT:

3 That is what I thought it was.

4 MR. DYMOND:

5 And in determining that, Officer

6 Habighorst's testimony, his credi-  
7 bility is certainly an important  
8 issue.

9 THE COURT:

10 Certainly it is, certainly his credi-  
11 bility is at issue, Mr. Dymond.

12 I believe, Captain Curole, you stated  
13 you did not know whether Sergeant  
14 Butzman remained with Mr. Shaw  
15 during the entire time he was being  
16 fingerprinted, because you did not  
17 stay there and couldn't therefore  
18 testify whether he carried out your  
19 orders or not?

20 THE WITNESS:

21 That is correct, sir.

22 THE COURT:

23 Let's hear your question one more time.

24 (Whereupon, the Court Reporter

25 searched the notes but was unable

1 to locate the last question di-  
2 rected to the witness by Mr. Dymond.)

3 THE COURT:

4 I see the relevancy, it is to the credi-  
5 bility of Officer Habighorst, and  
6 I will permit the question to be  
7 asked and answered, too.

8 BY MR. DYMOND:

9 Q (Exhibiting document to witness) Now, Captain,  
10 I again show you "D-15," and I ask you  
11 where the information concerning aliases,  
12 which is contained in "D-16," would be  
13 obtained by the author of "D-16."

14 MR. ALCOCK:

15 Your Honor, are we on speculation or is  
16 this what actually was obtained?  
17 I thought we were interested in the  
18 predicate of March 1, not speculative  
19 on what would be obtained.

20 THE COURT:

21 I understand the legal problem. In other  
22 words, he is asking you, Captain, if  
23 the information here was typed up by  
24 Mr. -- whoever -- after he got this --

25 THE WITNESS:



1 Yes, sir, it was.

2 THE COURT:

3 For the record, Mr. Dymond, the report  
4 made by Officer Louis Ivon was the  
5 first report which indicated that  
6 Mr. Shaw had an alias.

7 MR. DYMOND:

8 Right.

9 THE COURT:

10 It was given over to Mr. Vogt, who copied  
11 it and allegedly was supposed to  
12 send Copies 2 and 3 to Officer  
13 Habighorst.

14 MR. DYMOND:

15 That is correct.

16 THE COURT:

17 Whether he did or not I don't know. That  
18 is the legal status of it?

19 MR. DYMOND:

20 That is correct.

21 That is all.

22 MR. ALCOCK:

23 I have some questions.

24 THE COURT:

25 All right.

## CROSS-EXAMINATION

BY MR. ALCOCK:

Q Captain Curole, can you recall how many times you saw the Defendant Shaw on that night?

A The only time I recall seeing him was at the booking window.

Q At the booking window?

A Yes, sir.

Q I take it then by that response you did not see him in the B of I room when he was being fingerprinted?

A I can't be sure, sir. I may have walked in there and walked right out, I don't remember that.

Q I take it then you do not know whether Officer Habighorst had the Arrest Register or the Field Arrest Report when he questioned him in connection with the taking of his fingerprints? Is that correct?

A I would not know that.

Q Now, did you see anyone on that night beat, strike or in any way physically abuse the Defendant?

A No, sir.

D107

187

1 Q Did you hear anyone make him any promises  
2 of a reward or immunity should he make  
3 any statement on that night?

4 A No, sir, I did not.

5 Q Is it the procedure, Captain, to ask the  
6 arrestee whether or not he has any  
7 aliases?

8 A It all depends on the desk sergeant. Some of  
9 the desk sergeants will verify all of  
10 the information as a rule. If it is on  
11 the Field Arrest Report he will type  
12 that information.

13 Q I see. Then I take it by your response that  
14 this varies from person to person? Is  
15 that correct?

16 A That is correct, sir.

17 MR. ALCOCK:

18 No further questions..

19 MR. DYMOND:

20 One more question.

21 REDIRECT EXAMINATION

22 BY MR. DYMOND:

23 Q Captain, you said you heard nobody threaten  
24 or promise this Defendant anything. Did  
25 you or did you not tell his attorney that

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A I certainly did, yes, sir.

MR. DYMOND:

That is all.

MR. ALCOCK:

No further questions.

THE COURT:

You are still under subpoena.

(Witness excused.)

THE COURT:

Do you have any other witnesses?

MR. DYMOND:

Yes, we do. Call Sergeant Butzman,  
please.

JONAS J. BUTZMAN.

having been first duly sworn, was examined and testified as follows:

## DIRECT EXAMINATION

BY MR. DYMOND:

Q Sergeant Butzman, for the record would you please state your full name.

A     My name is Jonas J. Butzman.

Q Sergeant Butzman, were you a member of the  
New Orleans Police Department on March 1,

D109

Reference copy, JFK Collection: HSCA (RG 233)

1 1967?

2 A Yes, sir, I was.

3 Q Where were you assigned at that time?

4 A I was assigned over here by the Central

5 Lockup, sir.

6 Q And who was your immediate superior in the

7 Central Lockup on that day?

8 A That would be Captain Curole.

9 Q Were you working the same shift that he was

10 at that time?

11 A Yes, sir, I was.

12 Q Were you present in the Central Lockup when

13 this Defendant Clay Shaw was delivered

14 to the Central Lockup by Mr. Louis Ivon?

15 A Yes, sir, I was.

16 Q Did you receive any orders in connection with

17 your conduct while Mr. Shaw was in the

18 Central Lockup?

19 A Yes, sir, I did.

20 Q What were your orders?

21 A I was assigned to guard, to watch him.

22 Q By whom were you ordered to do that?

23 A By Captain Curole, sir.

24 Q Now, Sergeant Butzman, did you comply with

25 these orders?

1 A Yes, sir, I did.

2 Q Approximately how close did you stay to Mr.  
3 Shaw during the time that he was in  
4 Central Lockup?

5 A I stayed about five or ten feet, you know,  
6 close around that.

7 Q Now, when he went into the B of I room at  
8 Central Lockup, did you continue com-  
9 plying with these orders?

10 A Yes, sir, I did.

11 Q Now, while Mr. Shaw was in Central Lockup  
12 and in the B of I room more particularly,  
13 did you ever leave the B of I room while  
14 he was in the B of I room?

15 A Not to my knowledge, sir, but this has been  
16 a long time. That is close to two years.

17 Q Do you recall having left the B of I room  
18 while he was still in there?

19 A No, sir, I don't recall it, no.

20 Q Now, do you remember who else was in the B of  
21 I room when he was brought into the  
22 B of I room?

23 A There were two other officers in there, sir.

24 Q Do you recall their names?

25 A Officer Habighorst and Officer Millet.

D111

Q Now, during the time that Mr. Shaw was in the B of I room, did you at any time hear him questioned by Officer Habighorst?

A Yes, sir, I did.

Q What was the nature of this questioning?

A I think Officer Habighorst asked him, "Is this the correct spelling of your name?"

Q Now, what name was referred to and what name was spelled at that time?

A I don't know, sir.

Q Did you ever hear the name Clay Bertrand mentioned?

A No, sir, I did not.

Q Did you ever hear this Defendant questioned concerning any aliases?

A (The witness shook his head negatively.)

MR. ALCOCK:

Object at this time as being irrelevant to the predicate.

MR. DYMOND:

If the Court please, once again this would go to the credibility of Officer Habighorst.

MR. ALCOCK:

Now that no statement was made, why lay

D112

Reference copy, JFK Collection: HSCA (RG 233)

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the predicate?

THE COURT:

I understand the legal situation, Mr.

Dymond. The State is trying to

show that there was no force,

coercion, threats, promises, in

order to induce Mr. Shaw to make an

oral statement. Your position is

that he did not make it, not that

he was forced to make it, he didn't

make it.

MR. DYMOND:

Not only that, if the Court please, we

go a little beyond force and

threats in view of the Miranda de-

cision. Officer Habighorst has

testified that the Defendant's

lawyer was in and out during this

questioning, which is a very rele-

vant point.

THE COURT:

I heard him testify, he said he was by

the door, a little bit in, a little

bit out. That is what he said.

MR. DYMOND:



1 That is correct. He said he was inside  
2 the door as a matter of fact, and  
3 certainly his credibility on that  
4 statement alone is vitally important  
5 to Your Honor on the admissibility.

6 THE COURT:

7 He further stated he did not have Copies  
8 2 and 3 with him.

9 MR. DYMOND:

10 That is correct, he sure did.

11 THE COURT:

12 And this Officer Butzman just answered  
13 your question by saying he heard  
14 no mention of aliases whatsoever.

15 MR. DYMOND:

16 That is correct.

17 THE COURT:

18 You may proceed.

19 BY MR. DYMOND:

20 Q Now, Sergeant Butzman, I show you a document  
21 which has been marked for identification  
22 "D-16," and I ask you whether you are  
23 able to identify this document as to  
24 Police procedure. What do you call this  
25 document here?

1 A This would be the Arrest Register.

2 Q The Arrest Register?

3 A Correct.

4 Q Is that the Arrest Register Sheet on Clay  
5 Shaw?

6 A It appears to be the one, yes, sir.

7 Q All right. Now, do you know whether Officer  
8 Habighorst had any copies of this Arrest  
9 Register Sheet in the B of I room at the  
10 time that Clay Shaw was in there?

11 A No, sir, I do not know.

12 Q You do not know that?

13 A No, sir.

14 Q Now, Sergeant Butzman, you know Mr. Edward  
15 Wegmann, do you not, one of Mr. Shaw's  
16 attorneys sitting on the left of Mr.  
17 Shaw here?

18 A I believe I have talked to him, yes, sir.

19 Q I would like to ask you whether he was present  
20 in the B of I room at the Central Lockup  
21 when Mr. Shaw was being printed and mugged.

22 A I don't know about the B of I room, sir; I  
23 believe he was by the front door there,  
24 up there in the booking room.

25 Q By the front door of what?

1 A That would be the booking room or the --  
2 where the desk is they call it.

3 Q (Exhibiting photographs to witness) I show  
4 you three photographs which have been  
5 marked for identification "State 57, 58"  
6 and "59," and I ask you whether any of  
7 these photographs shows the spot where  
8 you say that Mr. Wegmann was at that  
9 time.

10 A (Indicating) This would be the place I am  
11 talking about.

12 Q Would you kindly put your initial at the  
13 approximate spot where you say you saw  
14 him at that time, approximately.

15 A This is a long time ago.

16 Q I understand.

17 THE COURT:

18 Do the best you can.

19 A But I would say he was right here at the time  
20 after I saw him. (Marking photograph)

21 THE COURT:

22 The Court Reporter has to get your  
23 answer, Mr. Butzman. Otherwise  
24 there is no use testifying, there is  
25 nothing in the record.

D116

1 BY MR. DYMOND:

2 Q Now, Mr. Butzman, from the spot where you  
3 have put a dot on Exhibit S-58, can  
4 you see into the B of I room?

5 A It is possible, yes, sir.

6 Q Approximately how far is that spot from the  
7 typewriter in the B of I room? You may  
8 give us an example here in this room.

9 MR. ALCOCK:

10 Are you talking about on March 1 or now?

11 MR. DYMOND:

12 Now and on March 1, if there is any  
13 change.

14 A I would say from here to that red chair there  
15 (indicating), the first red chair that  
16 is unoccupied.

17 (Whereupon, the space indicated  
18 by the witness was paced by  
19 Mr. Dymond.)

20 THE COURT:

21 Twenty-seven?

22 MR. DYMOND:

23 Twenty-seven is what I would say.

24 THE COURT:

25 Let the record show approximately 27 feet.

1 BY MR. DYMOND:

2 Q Now, is that a separate room from the B of I  
3 room, Sergeant, the spot where you have  
4 indicated on S-58?

5 A Yes.

6 Q -- that you saw Mr. Wegmann?

7 A Right.

8 Q Did you ever see Mr. Wegmann inside the B of I  
9 room on that occasion?

10 A I don't know if I did or not, sir. This is  
11 approaching two years ago, I don't know  
12 if I did or not.

13 Q I see.

14 MR. DYMOND:

15 We tender the witness.

16 CROSS-EXAMINATION

17 BY MR. ALCOCK:

18 Q Now, Sergeant Butzman, you have testified  
19 that to your recollection Officer  
20 Habighorst, Officer Millet, the Defendant  
21 and yourself were in the B of I room? Is  
22 that correct?

23 A Right, sir.

24 Q Now, would they have been the only persons  
25 present in the room the entire time that

the Defendant was in there?

A No, sir. I mean they had -- they had, say, maybe two or three other people came in there, but I don't know who they are, sir.

Q Do you see Mr. Alvin Oser?

MR. ALCOCK:

I am sorry. He left the court.

BY MR. ALCOCK:

Q Do you know Mr. Alvin Oser of the District Attorney's Staff?

A I don't think so, sir.

Q Do you know Mr. Louis Ivon with the District Attorney's Staff?

A Yes, sir.

Q Was he in there at any time?

A I believe that he was in there once or twice, yes.

Q Do you know Mr. Lynn Loisel from the District Attorney's Staff?

A Yes, sir.

Q Was he in there at any time?

A I don't know.

Q Approximately how long was Shaw in the B of I room as best you can remember?

D119

119

- 1 A I would say about a half hour.
- 2 Q Now, were you standing in one location this
- 3 entire time period?
- 4 A Just about. I was in the front part of the
- 5 room there and I was within a radius of
- 6 maybe five or ten feet around there.
- 7 Q Do you recall having a conversation with any-
- 8 body when you were?
- 9 A No, sir.
- 10 Q Do you recall seeing the Defendant ever wash
- 11 his hands prior to being fingerprinted?
- 12 A Right, sir, I think he did wash his hands
- 13 prior to being fingerprinted.
- 14 Q Sergeant Butzman, is it your testimony that
- 15 you heard everything that was said be-
- 16 tween Officer Habighorst and the Defendant
- 17 in this case?
- 18 A I can't say that I heard everything, no, sir.
- 19 Q While you were in the B of I room did anyone
- 20 physically abuse the Defendant?
- 21 A No, sir.
- 22 Q And to the best of your recollection, did
- 23 anyone make him any promises of reward
- 24 or immunity should he make any statements?
- 25 A No, sir.

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Reference copy, JFK Collection: HSCA (RG 233)

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Q And I think you have testified that you cannot state whether or not at the time Officer Habighorst was questioning or talking to the Defendant, whether or not he had the Arrest Register? Is that correct?

A Right, sir, that is correct.

Q Or the Field Arrest Report? Is that correct also?

A Right, sir.

MR. ALCOCK:

No further questions.

REDIRECT EXAMINATION

BY MR. DYMOND:

Q I have just one other question, Officer. At the time that Mr. Shaw was in the B of I room, were you close enough to him to have heard any normal conversation that he was conducting with anyone else?

A I believe so, yes, sir.

MR. DYMOND:

That is all.

MR. ALCOCK:

No further questions.

(Witness excused.)



D121

121

1 MR. DYMOND:

2 Call Officer Perkins, please.

3 JOHN N. PERKINS, JR.,

4 having been first duly sworn, was examined and  
5 testified as follows:

6 DIRECT EXAMINATION

7 BY MR. DYMOND:

8 Q Officer Perkins, would you please state your  
9 full name for the record.

10 A John N. Perkins, Jr.

11 Q Are you presently attached to the New Orleans  
12 Police Department?

13 A Yes, sir, I am.

14 Q What is your present assignment, sir?

15 A I am assigned to Central Lockup, B of I Di-  
16 vision.

17 Q Are you familiar with the procedures used in  
18 the B of I Division of the Central Lockup?

19 A Yes, sir.

20 Q Now, precisely what are your duties in the  
21 B of I Division, Officer Perkins?

22 A The fingerprinting and type up the FBI orders  
23 and the local cards, New Orleans cards.

24 Q (Exhibiting document to witness) I show you a  
25 document which has been marked for identi-

D122

Reference copy, JFK Collection: HSCA (RG 233)

1                    fication "D-16," purporting to be a  
2                    sheet from the original Arrest Register,  
3                    and I ask you if you are familiar with  
4                    that document.

5            A        With this type of document?

6            Q        That is correct.

7            A        Yes, sir, I am.

8            MR. ALCOCK:

9                    Your Honor, I am going to object to any  
10                   further questioning of this officer  
11                   unless it be demonstrated he was  
12                   present on March 1. I get the im-  
13                   pression he wasn't.

14           MR. DYMOND:

15                    Your Honor, Mr. Alcock's impression is  
16                   correct, this officer was not  
17                   present on March 1. The purpose of  
18                   his testimony is to show the normal  
19                   Police procedure.

20           THE COURT:

21                    I understand your purpose. You may pro-  
22                   ceed.

23           BY MR. DYMOND:

24            Q        Now, Officer Perkins, this sheet from the  
25                    original Arrest Register, do you ever

- 1 see this when you are fingerprinting  
2 and mugging a prisoner?
- 3 A No, sir, not as long as I am in B of I, I  
4 don't see this particular sheet, that is,  
5 the original.
- 6 Q I mean do you see the original of such a  
7 sheet?
- 8 A I see the fingerprint copy, the white sheet  
9 and the fingerprint copy and Records  
10 Division sheet.
- 11 Q I show you the exhibit marked for identifica-  
12 tion "D-17," and I ask you whether you  
13 can pick out the documents, if they  
14 are in here, which you do see when you  
15 are fingerprinting a prisoner. Would  
16 you place your initials on them if you  
17 find them.
- 18 A (Witness marks copies.)
- 19 Q Now, do you make any use of these documents  
20 which you have marked?
- 21 A What?
- 22 Q Do you make any use of the documents which  
23 you have initialled, in connection with  
24 your fingerprinting procedure?
- 25 A Yes, I do.

- 1 Q What do you do with them?
- 2 A I look at them and verify that the informa-
- 3 tion is correct, and type the information
- 4 onto the FBI and local cards.
- 5 Q I see. Do you know where the information
- 6 on this Arrest Register comes from?
- 7 A On the Arrest Register?
- 8 Q Yes.
- 9 A Comes from the Field Arrest.
- 10 Q That is correct. (Exhibiting document to
- 11 witness) I show you what has been marked
- 12 for identification "D-15," and I ask
- 13 you whether that is the type document
- 14 that you have referred to as the Field
- 15 Arrest?
- 16 A Yes, sir, it is.
- 17 THE COURT:
- 18 Mr. Dymond, would you permit an interrup-
- 19 tion?
- 20 MR. DYMOND:
- 21 Surely.
- 22 BY THE COURT:
- 23 Q Officer Perkins, in the normal routine of
- 24 fingerprinting people, do you have to
- 25 ask them any questions at all, or is all

D125

1 the information you need on the report?

2 A Have to verify it.

3 Q Not to verify. Do you have any information

4 that you need to put on the fingerprint

5 card? Do you get that information from

6 these copies?

7 A Yes, sir.

8 Q What is the necessity of speaking to the

9 person?

10 A Well, you have to verify, because sometimes

11 the desk sergeant may make a typographical

12 error.

13 Q You mean the spelling of a word?

14 A The spelling of a word.

15 Q The spelling of a name?

16 A Yes, sir, or just a typographical error, and

17 I have to have this information when I --

18 I have to call the FBI in Headquarters

19 to relate this information and it has to

20 be correct, has to also have the correct

21 date of birth and white race, et cetera.

22 Q In other words, you repeat the question on the

23 fingerprint card that you make up.

24 THE COURT:

25 May I see that, Mr. Dymond?

(Document handed to the Court.)

BY THE COURT:

Q In other words, Officer Perkins, you start off after you have fingerprinted, and then you put this in the typewriter, or do you put it in the typewriter before you fingerprint?

A No, sir, I fingerprint them. I get them to sign the card first.

Q Sign it?

A Right, sir.

Q When do you type up this information?

A After he has been fingerprinted.

Q Then what do you do? You ask him his name?

Is that what you do, or do you get that information from --

A No, I get this information first.

Q From where?

A I get it from him when I check on it -- before I call the FBI -- I have to ask his correct name.

Q Don't you have that information on two, three, seven or eight copies, that someone has gotten from him already?

A It might be a typographical error.

- 1 Q But you do orally question him?
- 2 A Yes, sir, right.
- 3 Q Do you ask them if they have any aliases?
- 4 A Also ask them if they have any previous
- 5 records. Don't ask them at this particu-
- 6 lar time if they have an alias. I want
- 7 to know the correct name, date of birth,
- 8 white, male, et cetera -- I can see
- 9 this with my own eyes -- then I then
- 10 call the FBI and relate this information
- 11 to them. Then if the man is new, never
- 12 been fingerprinted before, he informs me
- 13 of such. Then I give the subject a new
- 14 number. Then after this then we pro-
- 15 ceed to fingerprint.
- 16 Q Now when. I want to know what you do.
- 17 A If I am fingerprinting I will proceed to finger-
- 18 print them.
- 19 Q With respect to this area of aliases, did you
- 20 put in there an alias without speaking
- 21 to the man, by taking it from other
- 22 pieces of record or record sheets that
- 23 you have in your possession?
- 24 A It all depends -- there is no procedure -- I
- 25 mean it all depends on the situation,

D128

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some people you will ask them for their aliases and some you don't. There is no specific procedure that you have to ask them.

Q How could a man like Habighorst be able to take fingerprints? If they weren't giving him copies that he was supposed to get, would that be a mistake not to give him copies of this -- is it No. 2, 3 -- what else?

A He could do it.

Q By asking questions?

A He would have to get the information from the Field Arrest or from the desk sergeant.

Q Suppose he didn't get it, suppose he didn't have it at the time, somebody forgot to give it to him.

A I wouldn't know how he could do it.

Q Except by asking questions?

A Asking questions, yes, sir.

Q The ordinary routine is to send No. 2, No. 3, whatever other copy you marked, to the man who is going to do the fingerprinting?

A Yes, sir.

Q Have you ever had occasion where they didn't



D129

- 1                   send it to you?
- 2       A       In other words, to start the procedure without
- 3                   the papers?
- 4       Q       Yes.
- 5       A       No, sir, I haven't.
- 6       Q       How long have you been in that Department?
- 7       A       Four months.
- 8       Q       Have you done it one time?
- 9       A       Not me, no.
- 10      BY MR. DYMOND:
- 11      Q       (Exhibiting document to witness) Now, Officer
- 12                   Perkins, I show you an exhibit which
- 13                   has been marked for identification
- 14                   "State 60," and I ask you to tell me
- 15                   what this card represents.
- 16      A       This card is the FBI card.
- 17      Q       Now, is it your testimony in response to the
- 18                   Judge's questions, that it is customary
- 19                   to have the prisoner sign this card in
- 20                   blank?
- 21      A       Yes, sir.
- 22      Q       And that after he signs it the information is
- 23                   typed on and the fingerprints are put on?
- 24                   Is that correct?
- 25      A       After he signs it the fingerprints are put on,

then it is typed.

Q Officer Perkins, suppose a prisoner refuses to sign that fingerprint card, what happens? Can he make bond or not?

A I really don't know, sir.

Q You don't know?

A That is something that hasn't really been established.

Q I see.

MR. DYMOND:

That is all. We tender the witness.

CROSS-EXAMINATION

BY MR. ALCOCK:

Q Officer Perkins, I take it then you were not in the Bureau of Identification or in the Central Lockup on the night of March 1, is that correct?

A That is correct, sir.

Q Then you would have no way of knowing what happened. Would that also be correct?

A That is also correct.

Q Now, if the man taking the prints did not have access to the Arrest Register or the Field Arrest form, would it not be possible for him to fill out these few blanks

1 by merely asking the arrestee for the  
2 information?

3 A Yes, sir.

4 Q In other words, Officer, the man taking the  
5 fingerprints was trying to expedite  
6 matters, and before he got this informa-  
7 tion, that is, the booking, the Arrest  
8 Register and the Field Arrest Report, he  
9 could go ahead and finish his work by  
10 merely asking the man the few questions  
11 contained on here, couldn't he?

12 A I would say he could.

13 Q You see nothing impossible about that, do you?

14 A No, sir.

15 MR. ALCOCK:

16 No further questions.

17 MR. DYMOND:

18 That is all.

19 (Witness excused.)

20 MR. DYMOND:

21 Call Mr. Edward Wegmann.

22 EDWARD F. WEGMANN,

23 being called by the Defense on traverse of the  
24 predicate, being first duly sworn, was examined  
25 and testified as follows:

## DIRECT EXAMINATION

BY MR. DYMOND:

Q You are Mr. Edward Wegmann?

A That is correct.

Q Mr. Wegmann, are you a practicing attorney in New Orleans?

A Yes, I am.

Q How long have you been so engaged?

A I was admitted to the Bar in 1941.

Q You are one of the attorneys for this Defendant Clay Shaw, Mr. Wegmann?

A Yes, I am, and I have been Mr. Shaw's attorney since approximately 1949.

Q Mr. Wegmann, did you have occasion to be in the Central Lockup with Mr. Shaw on March 1, 1967, which was the date of his arrest on this case?

A Yes, I was.

Q Will you kindly set forth for the Court the happenings from the time that you got to the Central Lockup until you left.

A Apparently they were waiting for us when we arrived at the Central Lockup. We were escorted to the booking window, the Arrest Register was completed by the

1 booking officer, Mr. Shaw was asked to  
2 surrender possession of whatever valua-  
3 bles and other possessions he had with  
4 him, including his belt. When the book-  
5 ing procedure at the window was completed,  
6 Mr. Shaw was handed the blue copy of the  
7 Arrest Register Report.

8 Q (Exhibiting document to witness) I show you a  
9 document which has been marked for  
10 identification "D-19," and I ask you  
11 whether that is the copy to which you  
12 have made reference.

13 A Yes, it is.

14 (Whereupon, the document referred  
15 to by Counsel was duly marked for  
16 identification as "Exhibit D-19.")

17 BY MR. DYMOND:

18 Q I now ask you to examine that copy of D-19  
19 and tell me whether there is any alias  
20 set forth on that copy.

21 A I have examined it many times. There is no  
22 such reference on this copy, which is the  
23 arrested person's copy of the Arrest  
24 Register.

25 Q All right. After Mr. Shaw was given D-19,

D134

1                    what then happened, Mr. Wegmann?

2            A        At that time I was advised by Captain Curole  
3                    that Mr. Shaw would now be taken to the  
4                    Bureau of Identification room, the B of I  
5                    room, to be fingerprinted, that I would  
6                    have to leave the booking area. I was  
7                    escorted through the working area of the  
8                    Central Lockup to the opposite side of  
9                    the room outside the booking area work-  
10                   room completely and behind the gate at  
11                   one end of which are the interview rooms  
12                   and at the other end of which is the  
13                   lobby to the Central Lockup.

14           Q        Did you or did you not comply with Captain  
15                    Curole's request that you stay out of  
16                    the B of I room while the fingerprinting  
17                    was being done?

18           A        Yes, I did.

19           Q        Did you ever go into the B of I room while  
20                    Mr. Shaw was being fingerprinted or  
21                    questioned?

22           A        At no time on that evening did I ever enter  
23                    or go close to the B of I room, and, as  
24                    a matter of fact, never at any time in  
25                    my life have I ever been in the B of I

room of the Central Lockup.

Q At that time was it your desire that you remain with your client?

A It certainly was.

MR. DYMOND:

We tender the witness.

CROSS-EXAMINATION

BY MR. ALCOCK:

Q Now, Mr. Wegmann, do you recall what time you first arrived at the District Attorney's Office on the date of March 1?

A Somewhere in the neighborhood of 6:30 or 7:00 o'clock, I don't recall the time to any exact hour. I know that I had that day made an appearance in the United States District Court for the Middle District of Georgia, Albany, Georgia, and had returned to New Orleans on a flight out of Atlanta sometime that afternoon.

Q And for what reason did you go there? Did anyone call you, or what was your reason for going?

A Mrs. Wegmann met me at the airport, we drove home, and just as soon as we reached home I was informed by my son that friends of

D136

Reference copy, JFK Collection: HSCA (RG 233)

- 1 Mr. Shaw were trying to reach me.
- 2 Q Now, when you first arrived at the District
- 3 Attorney's Office, was Mr. Panzeca pres-
- 4 ent?
- 5 A Yes, he was.
- 6 Q Did you have occasion to speak to Mr.
- 7 Panzeca?
- 8 A Yes, I did.
- 9 Q Did you have occasion, or were you given the
- 10 opportunity, to speak to Mr. Panzeca in
- 11 private?
- 12 A Well, we went into two different rooms in the
- 13 District Attorney's Office. I don't --
- 14 yes, and at one time we were alone with
- 15 Mr. Shaw in the room to the right of the
- 16 office as you enter it.
- 17 Q And approximately how long did you confer with
- 18 Mr. Panzeca and the Defendant Shaw?
- 19 A For a brief period of time, something in the
- 20 neighborhood of perhaps ten or 15 minutes.
- 21 Mr. Shaw had already been placed under
- 22 arrest when I arrived at the District
- 23 Attorney's Office.
- 24 Q Did you advise him of his Constitutional
- 25 rights at that time?



D137

1 A There wasn't any need for me to do that, Mr.

2 Panzeca had been there with him I was  
3 told since early that afternoon.

4 Q You felt on that occasion Mr. Panzeca had  
5 adequately advised him of his Consti-  
6 tutional rights? Is that correct?

7 A Yes, I did.

8 Q And this conversation that you had with the  
9 Defendant and Mr. Panzeca, I think you  
10 testified that was in private?

11 A Well, either Ivon or Loisel were in the room  
12 when we first arrived. Whoever it was,  
13 whichever one it was, did leave and we  
14 were by ourselves. There wasn't too much  
15 conversation because Mr. Panzeca had  
16 warned me that he thought that the room  
17 was bugged.

18 Q I see. Was there anybody in the District  
19 Attorney's Office physically in the room?

20 A Not at that time.

21 Q Did anybody deny you your right to speak to  
22 your client?

23 A No.

24 Q As a matter of fact, you had no trouble at  
25 all speaking to him, did you?

1 A Under the circumstances and the tremendous  
2 confusion and the tremendous number of  
3 people who were present in and about and  
4 around the District Attorney's Office  
5 that evening, I would say that what  
6 conversation we had, yes, was under  
7 considerable strain.

8 Q I see. But you were alone, is that correct?

9 A In the event the room was not bugged, we were  
10 alone.

11 Q Did you ever ascertain whether or not the  
12 room was bugged?

13 A No, sir, I haven't had any reason to do so.

14 Q Did you have any reason to believe that it was?

15 A Yes, I did. I was advised by Mr. Panzeca that  
16 he thought it was bugged.

17 Q Oh, just that Mr. Panzeca thought it was  
18 bugged? Is that correct?

19 A That is correct.

20 Q You saw nothing, no wires or anything that  
21 you might associate with bugging?

22 A There was a great deal of rushing being done,  
23 there wasn't time to investigate the  
24 room to ascertain whether or not --

25 Q I take it then you didn't see it?

D139

1 A Would you mind letting me finish? There  
2 wasn't time to ascertain whether or not  
3 the room was bugged, and, if there had  
4 been time, I wouldn't have been capable  
5 of doing so.

6 Q I see. Now, after you had this conversation  
7 with your client in private, where did  
8 you go?

9 A Mr. Panzeca and I went into another office  
10 in the -- no, subsequent to that I had  
11 some conversation with Mr. Oser and  
12 perhaps some other people in the room  
13 whose names -- and perhaps even you, be-  
14 cause I didn't know you at that time and  
15 didn't know who you were. I then went  
16 into another office where I telephoned  
17 Judge Brahney and arranged to have the  
18 bond reduced from \$25,000.00 to \$10,000.00.

19 Q I see. And after this did you have occasion  
20 to accompany your client to the Central  
21 Lockup?

22 A Yes, I did. Just after that telephone conver-  
23 sation with Judge Brahney I returned to  
24 the center room of the District Attorney's  
25 Office. Mr. Shaw was already there and

1 in handcuffs and was about to be taken  
2 to the Central Lockup. That was at the  
3 time when he was served with the --  
4 when we were served or he was served  
5 with the search warrant, which Mr.  
6 Panzeca and I discussed. I asked Mr.  
7 Panzeca to go to Mr. Shaw's home, telling  
8 him that I would accompany Mr. Shaw to  
9 the Central Lockup..

10 Q I take it then that you did finally go to the  
11 Central Lockup with your client?

12 A Yes, I certainly did.

13 Q Now, on the automobile ride between the  
14 District Attorney's Office, or rather  
15 the Criminal District Court and the  
16 Central Lockup, was there any question-  
17 ing of your client?

18 A No, sir.

19 Q And at the Central Lockup for the period of  
20 time that you were in his presence, was  
21 there any questioning of your client?

22 A None that I recall.

23 Q Now, Mr. Wegmann, referring you to "D-19,"  
24 I ask you if you will note the rights  
25 of arrestee, or this writing on the front

D141

1 of D-19 (indicating).

2 A I have noted it.

3 Q Did you have occasion to read it on that  
4 night?

5 A I am quite sure that I did not.

6 Q Did not?

7 A That is correct.

8 Q Do you know whether or not your client read  
9 it on that night?

10 A I can tell you that as between the time we  
11 arrived at the Central Lockup and from  
12 the time that I took him in my car to  
13 the home of a friend of his where I had  
14 been advised he would spend the night,  
15 that he did not read it.

16 Q I see. In other words, you never saw him read  
17 it?

18 A No, I did not.

19 Q And you never thought it your duty to advise  
20 him to read it?

21 A I didn't see any need for it at that time.

22 Q In other words, you didn't think it necessary  
23 to advise him of his rights at this time?  
24 Is that what you are saying?

25 A I just said I saw no reason for it.

D142

Reference copy, JFK Collection: HSCA (RG 233)

1 Q How long were you in the general booking area?

2 A For whatever period of time it took the

3 booking officer to complete the Arrest

4 Register.

5 Q Can you approximate that for us?

6 A It was a matter of minutes.

7 Q Ten, less than ten, over ten?

8 A Oh, I would say that it was probably somewhere

9 between ten and 20 minutes in the book-

10 ing area itself at the booking window.

11 Q Do you recall, Mr. Wegmann, what cubicle the

12 Defendant was actually in when they

13 booked him?

14 A If you will let me see the picture, I believe

15 that I can.

16 Q (Exhibiting photograph to witness) Here it is.

17 A It is my recollection that we were at the

18 second cubicle from the far wall.

19 Q Will you mark an "X" there, please.

20 A Yes (marking photograph).

21 Q In this picture can you see the door to the

22 Bureau of Identification from that second

23 cubicle?

24 A I have no idea where the Bureau of Identifica-

25 tion room is located.

1 Q Now, Mr. Wegmann, again referring you to  
2 "State 58," calling your attention to  
3 this doorway here which has written  
4 above it "Bureau of Identification" --  
5 can you read that (exhibiting photograph  
6 to witness)?

7 A Which one?

8 Q Right here.

9 A No, frankly, I can't read it from the picture.

10 Q You can't read that from the picture?

11 A No, I can't.

12 Q Well, can you recall whether or not on that  
13 night that door was open?

14 A No, I do not.

15 Q Do you recall whether or not on that night  
16 the other door here was open?

17 A No, I do not. I wasn't interested in either  
18 door, I was only interested in having  
19 the booking completed and taking Mr. Shaw  
20 to my office where I could speak with  
21 him.

22 Q Now, you mentioned that when the Defendant was  
23 booked they filled out an Arrest Register,  
24 is that your testimony?

25 A Yes, it is.

1 Q Did you know it was an Arrest Register at  
2 that time?

3 A Did I know that it was termed the Arrest  
4 Register? No, I did not.

5 Q Well, what did they fill in? Can you tell  
6 us what they put on it, from your recol-  
7 lection?

8 A Certainly, because I have looked at the  
9 arrested person's copy of the Arrest  
10 Register quite a few times.

11 Q I see. Well, can you recall what was said  
12 that night without having to refresh  
13 your memory from this?

14 A What was said at the booking window?

15 Q (Counsel nodded affirmatively.)

16 A Very little.

17 Q How about aliases?

18 A There was no discussion whatsoever about  
19 aliases.

20 Q Oh, I see.

21 MR. ALCOCK:

22 No further questions.

23 MR. DYMOND:

24 That is all, Mr. Wegmann.

25 THE COURT:



D145

145

1                   You are excused.

2                                   (Witness excused.)

3           MR. DYMOND:

4                   Your Honor, may we have a few minutes  
5                               recess to check on Officer Vogt?

6           THE COURT:

7                   Very well, we will take a five-minute  
8                               recess.

9                               (Whereupon, a brief recess was taken.)

10          AFTER THE RECESS:

11          MR. DYMOND:

12                   Call Mr. Salvatore Panzeca.

13                               SALVATORE PANZECA,  
14          being called by the Defense on traverse of the  
15          predicate, being first duly sworn, was examined  
16          and testified as follows:

17                               DIRECT EXAMINATION

18          BY MR. DYMOND:

19          Q       You are Mr. Salvatore Panzeca?

20          A       Yes, sir.

21          Q       Mr. Panzeca, are you presently a practicing  
22                               attorney here in New Orleans?

23          A       Yes.

24          Q       How long have you been engaged in practice?

25          A       Since 1959, June.

DL46

Reference copy, JFK Collection: HSCA (RG 233)

1 Q Are you associated with the firm of  
2 Racivitch & Wegmann of which Mr.  
3 William Wegmann is a partner?  
4 A Yes, I am.  
5 Q Going back to March 1, 1967, Mr. Panzeca,  
6 were you called upon to represent Mr.  
7 Clay Shaw in any capacity?  
8 A Yes, I was.  
9 Q How were you called upon, sir? Who called  
10 you?  
11 A Mr. Shaw himself called, sometime before  
12 3:00 p.m. on that afternoon.  
13 Q Now, upon receiving this call, what did you  
14 do, Mr. Panzeca?  
15 A Well, I jumped in a taxi and I came down here  
16 to the Criminal Courts Building.  
17 Q Did you see Mr. Shaw when you got here?  
18 A Yes, I did. I guess I didn't arrive here  
19 until sometime around 3:15, 3:30, and --  
20 it must have been around 3:30 when I  
21 arrived.  
22 Q And where was Mr. Shaw when you first saw him?  
23 A As I recall, Mr. Shaw was in an office off  
24 from the main lobby of the District  
25 Attorney's office, and I think that office

p147

Reference copy, JFK Collection: HSCA (RG 233)

1 at that time was being used by Mr.

2 Sciambra as his office.

3 Q Now, at the time that you saw Mr. Shaw, did  
4 you give him any legal advice?

5 A Yes, sir, I did. I told him specifically not  
6 to speak to anyone at all about anything,  
7 I told him that he shouldn't even tell  
8 people hello or good-bye. In fact, I  
9 even specifically told him that if he  
10 had any questions about anything to di-  
11 rect them only to me.

12 Q Did you tell him anything about answering  
13 questions?

14 A Absolutely, I told him not to answer any  
15 questions from anybody.

16 Q Did you tell him anything about making state-  
17 ments?

18 A I certainly did, I told him, in fact, that  
19 even if he had to go to the dressing  
20 room that he should ask me and not any-  
21 one else.

22 Q Did you make known to any member of the Dis-  
23 trict Attorney's Office the fact that  
24 you did not want Mr. Shaw to make any  
25 statements or be questioned?

1 A That is correct. I told Mr. Sciambra, who  
2 was the Assistant District Attorney  
3 there at that time, I told Mr. Ivon  
4 and Mr. Loisel, who were placed at the  
5 doorway. One was -- I think one was  
6 in the office where Mr. Shaw was located,  
7 and the other gentleman was perhaps right  
8 outside or right in the doorway -- they  
9 were guarding Mr. Shaw -- and I speci-  
10 fically told both of these gentlemen that  
11 Mr. Shaw was not to be questioned and  
12 that he was not going to answer any  
13 questions about anything.

14 MR. DYMOND:

15 We tender the witness.

16 CROSS-EXAMINATION

17 BY MR. ALCOCK:

18 Q Mr. Panzeca, is it correct that you talked  
19 on the telephone to Mr. Sciambra before  
20 you came down to the District Attorney's  
21 Office?

22 A That is correct.

23 Q Isn't it a fact that Mr. Sciambra advised you  
24 to come down and consult with your client?

25 A Mr. Shaw was talking to me on the telephone,

1 and evidently Mr. Sciambra heard Mr.  
2 Shaw mention my name. Mr. Shaw at first  
3 was trying to reach Mr. Wegmann and  
4 ended up with me. Then all of a sudden  
5 Mr. Sciambra was on the phone and I did  
6 speak to Mr. Sciambra, and I asked him  
7 what was this about, and he said, "Sal,  
8 I think you had better get down here.  
9 We have Mr. Shaw and we would like to  
10 have him represented, if you are going  
11 to represent him." Of course I said I  
12 was coming right down.

13 Q Now, when you arrived, Mr. Panzeca, did you  
14 have any difficulty in speaking with  
15 your client?

16 A Only that I was very suspicious that the room  
17 was bugged, just as Mr. Wegmann has told  
18 you.

19 Q Other than that, did any member of the Dis-  
20 trict Attorney's Staff deny you the right  
21 to talk with your client?

22 A No, I was not denied the right to speak to  
23 him, but it was not in a circumstance  
24 in which I thought I could question him  
25 freely and without anyone overhearing.

D150

150

- 1                   There were people all over.
- 2       Q       Then I take it you did advise him of his
- 3                   Constitutional rights?   Is that correct?
- 4       A       Well, if by "Constitutional rights" you mean
- 5                   he has a right not to make a statement --
- 6       Q       Right.
- 7       A       -- I did advise him of that.   Now, if you
- 8                   go up and down the Constitution, no,
- 9                   I didn't go up and down it.
- 10      Q       Now, when Mr. Wegmann arrived did you and he
- 11                   have a conversation between yourself,
- 12                   Mr. Wegmann and the Defendant?
- 13      A       Yes, I did.
- 14      Q       And did you again advise him of his rights?
- 15      A       Well, once again we had a difficult time in
- 16                   communicating.   I advised Mr. Wegmann
- 17                   as I had advised Mr. Shaw, that I was
- 18                   afraid that the room and the area that
- 19                   we were in was bugged, and I told them
- 20                   that I don't think we should talk about
- 21                   anything except arrangements to make
- 22                   bail.   That was all we really discussed.
- 23                   In fact, my original communications with
- 24                   Mr. Shaw were conducted on a pad that I
- 25                   had, I would write a question and he

D151

1                   would write an answer. I didn't even  
2                   want to talk, and I kept the papers and  
3                   put them in my pocket.

4       Q       I see. Do you still have those papers?

5       A       No, I don't.

6       Q       Where are they?

7       A       I probably destroyed them.

8       Q       Now, did you see any physical evidence of  
9                   any sound recording device?

10      A       No. I didn't really make a search, I was  
11               just suspect that this was going on.  
12               I don't know when a room is bugged if I  
13               would find it if I looked at it.

14      Q       In other words, you have no evidence of that,  
15               it is just something that you surmised  
16               or feared? Would that be correct?

17      A       I thought it was taking the proper precautions.

18      Q       Did you ride over to the Central Lockup with  
19               Mr. Shaw?

20      A       No, I did not, I left with you, Mr. Alcock, to  
21               go to Mr. Shaw's residence.

22      Q       I see. When was the last time that you saw  
23               the Defendant?

24      A       Pardon?

25      Q       When was the last time that night that you saw

D152

152

1 the Defendant?

2 A If I recall correctly -- and I think I do --  
3 we left the District Attorney's Office  
4 sort of in a wedge formation to get  
5 through the crowd and the Press. I got  
6 off the elevator at that time I think  
7 with you and Mr. Burnes, and I think the  
8 last time I saw Mr. Shaw that night was  
9 when he got into an automobile in the  
10 basement of this building.

11 Q Now, Mr. Panzeca, after you had instructed  
12 or requested Mr. Sciambra, Mr. Ivon and  
13 Mr. Loisel not to question the Defendant  
14 any further, did they, to your knowledge,  
15 disregard your instructions?

16 A No. I know that Mr. Ivon and Mr. Loisel did  
17 not speak to Mr. Shaw. Now, I was moving  
18 about, but I didn't request that they not  
19 do this, I instructed them not to do this.

20 Q Well, do you know of any violation of your  
21 instructions?

22 A No.

23 MR. ALCOCK:

24 No further questions.

25 MR. DYMOND:



D153

153

1 That is all.

2 (Witness excused.)

3 MR. DYMOND:

4 If the Court please, at this time we  
5 would like to put Mr. Shaw on the  
6 stand for the limited purpose of  
7 traversing the admissibility of this  
8 alleged statement.

9 CLAY L. SHAW,  
10 having been first duly sworn, was examined and  
11 testified as follows:

12 DIRECT EXAMINATION

13 BY MR. DYMOND:

14 Q You are Mr. Clay L. Shaw, the Defendant in  
15 these proceedings?

16 A That is correct.

17 Q Mr. Shaw, is it a fact that you were arrested  
18 on March 1, 1967?

19 A Yes, I was.

20 Q And where did this arrest take place?

21 A In the offices of the District Attorney in  
22 this building.

23 Q At that time, Mr. Shaw, who was your attorney?

24 A Mr. Panzeca and Mr. Wegmann.

25 Q Now, by "Mr. Wegmann," which Mr. Wegmann do

1                   you mean?

2       A       Mr. Edward Wegmann.

3       Q       Which of these two attorneys were you  
4                   successful in contacting, if either  
5                   one of them?

6       A       First Mr. Panzeca.

7       Q       Did Mr. Panzeca then come to the District  
8                   Attorney's Office?

9       A       Yes, he did.

10      Q       Upon arriving at the District Attorney's  
11               Office and seeing you, did he give you  
12               any legal advice?

13      A       Yes, he did.

14      Q       To what effect?

15      A       That I was to speak to no one except himself.

16      Q       Did you follow this advice?

17      A       I did, completely.

18      Q       Now, Mr. Shaw, referring to after you were  
19               taken by Mr. Ivon from the District  
20               Attorney's Office to the Central Lockup  
21               of the New Orleans Police Department, did  
22               you have an attorney with you at that  
23               time?

24      A       Yes, I did, Mr. Wegmann, Mr. Edward Wegmann.

25      Q       Edward Wegmann?

- 1 A That is right.
- 2 Q Had Mr. Edward Wegmann given you any legal
- 3 advice?
- 4 A Yes, he told me the same thing Mr. Panzeca
- 5 had told me, not to answer questions,
- 6 not to talk to anyone except to him or
- 7 to Mr. Panzeca.
- 8 Q Now, Mr. Shaw, at that time did you -- and
- 9 throughout the time that you were at
- 10 the Central Lockup -- did you have any
- 11 desire to remain within the presence of
- 12 your lawyer?
- 13 A Yes, I wanted my lawyer with me at every
- 14 stage.
- 15 Q Were you able to have your lawyer with you at
- 16 every stage?
- 17 A No, I was not.
- 18 Q Why not?
- 19 A Upon being taken into the Bureau of Identifica-
- 20 tion I was told that Mr. Wegmann, he was
- 21 not to be permitted to accompany me and
- 22 I would have to go in alone.
- 23 Q (Exhibiting document to witness) Mr. Shaw, I
- 24 show you an exhibit which has been marked
- 25 for identification "State 60," and which

D156

Reference copy, JFK Collection: HSCA (RG 233)

1                   purports to bear your signature, and I  
2                   ask you whether you remember signing this  
3                   card.

4           A       Yes, I do, I do.

5           Q       Would you tell me when you signed that card,  
6                   what, if any, material other than the  
7                   printed material was on it?

8           A       Nothing, neither fingerprints nor typewriting.

9           Q       Would it be correct then to say that you  
10                  signed this fingerprint card in blank?

11          A       That is correct, yes.

12          Q       How did you come to sign this fingerprint  
13                  card, Mr. Shaw?

14          A       I was told it was a necessary procedure for  
15                  getting bail.

16          Q       Now, who told you to sign the card?

17          A       The patrolman who was taking the fingerprints.

18          Q       What did he say?

19          A       He said, "This is a fingerprint card and you  
20                  must sign it. This is essential for  
21                  you to get bond."

22          Q       Now, Mr. Shaw, do you recall having been  
23                  booked in the Central Lockup?

24          A       Yes, I do.

25          Q       (Exhibiting document to witness) I show you

D157

157

1 a document which has been marked for  
2 identification "D-16," and I ask you  
3 whether you recognize this and can tell  
4 us when that was filled out.

5 A It was filled out by the booking clerk who was  
6 asking me -- the booking clerk I suppose  
7 is the title -- who asked me questions  
8 and entered my answers in typewriting  
9 on this slip, on the machine.

10 Q Were you at any time ever asked by anyone at  
11 the Central Lockup whether you had an  
12 alias or a name other than Clay Shaw by  
13 which you were known?

14 A I was certainly not.

15 Q Did you ever tell anybody in the Central Lock-  
16 up that you had an alias or another name?

17 A I did not.

18 Q (Exhibiting document to witness) Mr. Shaw,  
19 I show you a document which has been  
20 marked for identification "D-19," and  
21 I ask you whether you recognize that  
22 document.

23 A Yes. This was a copy given to me by the  
24 booking clerk.

25 Q I now ask you to examine that document and

D158

1 tell me whether there is anything con-  
2 cerning an alias on it.

3 A No, nothing.

4 MR. DYMOND:

5 We tender the witness.

6 CROSS-EXAMINATION

7 BY MR. ALCOCK:

8 Q Now, isn't it a fact that when you made this  
9 call to Mr. Panzeca, it was made at the  
10 suggestion of Mr. Sciambra to my right  
11 here?

12 A Not exactly. I said I decided I wanted an  
13 attorney and Mr. Sciambra concurred. He  
14 did not suggest it.

15 Q I see. In other words, you were the one  
16 suggested you wanted an attorney?

17 A That is correct.

18 Q Did he have a conversation with Mr. Panzeca  
19 on the telephone in your presence at that  
20 time?

21 A Yes, he did.

22 Q Would that have occurred during the same call  
23 that you made to Mr. Panzeca?

24 A That is correct.

25 Q Now, up until that time had you been in any

D159

1 way physically abused by any member of  
2 the District Attorney's Staff?

3 A No, no, certainly not.

4 Q Had you been promised any reward or immunity  
5 for making any statement to the District  
6 Attorney's Staff?

7 A No, no.

8 Q Who, if anyone, if you can recall, spoke to  
9 you prior to the arrival of Mr. Panzeca?

10 A Mr. Sciambra and Mr. Ivon interviewed me for  
11 some considerable period of time.

12 Q Now, during the course of this interview did  
13 either one of these gentlemen abuse you?

14 A No, they did not.

15 Q Did either one of these gentlemen offer you  
16 any reward or make you any promises  
17 should you make any statement?

18 A They did not.

19 Q Now, I take it then that any statement you  
20 may have given them at that time was given  
21 freely and voluntarily?

22 A Correct.

23 Q When was it that you felt you needed the  
24 presence of an attorney?

25 A At the time Mr. Sciambra said that he was

D160

160

1 going to charge me with conspiracy to  
2 murder the late President of the United  
3 States.

4 Q Did you have any conversation with either  
5 one of these men before Mr. Panzeca  
6 arrived, after the telephone call?

7 A No. They left the room after the telephone  
8 conversation and I was left alone until  
9 Mr. Panzeca arrived.

10 Q Then I take it no one attempted to question  
11 you after the telephone call?

12 A No, no, no.

13 Q Now, subsequent to the arrival of Mr. Panzeca,  
14 did you have occasion to speak with him?

15 A Yes.

16 Q And for approximately how long would you say?

17 A We communicated largely by writing, as he  
18 has specified, but I -- for, I would  
19 think, about 20, 25 minutes.

20 Q And, to your knowledge, was anyone else in  
21 the room?

22 A No.

23 Q Now, after this conversation with Mr. Panzeca,  
24 were you questioned any further by either  
25 Mr. Ivon or Mr. Sciambra?



D16L

161

1 A No, I was not.

2 Q Were you in any way abused by either one of  
3 these men?

4 A No, I was not.

5 Q -- or any member of the District Attorney's  
6 Office?

7 A No.

8 Q Now, on the way over to the Central Lockup  
9 do you recall whether or not you were  
10 sitting in the back seat as described by  
11 Officer Ivon?

12 A Yes.

13 Q Was that an accurate description of the seat-  
14 ing position as you recall it?

15 A Yes. I recall it.

16 Q Did anyone attempt to question you during that  
17 ride?

18 A Did not.

19 Q Did anyone abuse you during that ride?

20 A Did not.

21 Q Did anyone offer you any promises or offer you  
22 any reward for making any statement during  
23 that ride?

24 A No.

25 Q Now, is it your testimony that at the time the

D162

162

1 Arrest Register was made, no mention of  
2 an alias was mentioned?

3 A It was not.

4 Q They didn't ask you an alias?

5 A No.

6 Q Were you answering questions in the office?

7 A Beg your pardon?

8 Q Were you answering questions as the officer  
9 typed on the Arrest Register?

10 A Yes.

11 Q Did you see the officer refer to any other  
12 documents while he was making the Arrest  
13 Register?

14 A He may well have been, I don't know.

15 Q Of your own knowledge you don't know? Is  
16 that correct?

17 A No.

18 Q Would it be a fair statement that most of  
19 the information that he typed, if not  
20 all, came from you?

21 A I don't know whether that is a fair statement  
22 or not. He asked me several questions;  
23 I gave him the answers. Where the other  
24 came from I don't know.

25 Q Were you observing what he was doing?

1 A I thought he was typing of course.

2 Q Did he type at the time you responded to  
3 questions?

4 A Correct.

5 Q Did he ever type when you weren't responding  
6 to questions?

7 A I think not.

8 Q You think not. Do you think it is a fair  
9 assumption to say that the only time  
10 he typed was when you were responding  
11 to questions? Is that correct?

12 THE COURT:

13 I don't think he can answer the question  
14 unless he was looking over his  
15 shoulder.

16 MR. ALCOCK:

17 Your Honor, he just testified he was  
18 watching the man.

19 THE COURT:

20 I know what he testified to, but I can't  
21 see how I can look at a person  
22 typing and know that he is putting  
23 down everything I said.

24 MR. ALCOCK:

25 I didn't say that. The question was

D164

Reference copy, JFK Collection: HSCA (RG 233)

1                   whether or not -- the Defendant has  
2                   answered that he typed only when he  
3                   was responding to questions. It  
4                   seems to me quite obvious then that,  
5                   as far as the Defendant knows, the  
6                   only thing he put down was what he  
7                   told him. I am not saying he can  
8                   say what was being put down, I am  
9                   saying wouldn't it be a fair state-  
10                  ment that anything he told him was  
11                  what went into the Arrest Register,  
12                  because he was typing --

13                THE COURT:

14                  You are speculating. It is impossible  
15                  for him to answer the question un-  
16                  less he was looking over his shoulder  
17                  after giving an answer and seeing  
18                  what he types.

19                MR. ALCOCK:

20                  All right.

21                BY MR. ALCOCK:

22                Q     How far were you away from the man doing the  
23                       typing?

24                A     Oh, three or four feet I suppose.

25                Q     Was there anything between you and him, any

D165

165

1 object or obstruction?

2 A There was a large counter there with papers  
3 on the counter.

4 Q Papers?

5 A Yes, papers on the counter. I could not  
6 actually see what was being typed, I  
7 couldn't see in his typewriter.

8 Q I see. But you could see his fingers moving  
9 and hear the clicking of the typewriter?  
10 Is that correct?

11 A Surely.

12 Q (Exhibiting photograph to witness) Now re-  
13 ferring you to "State 58," do you see on  
14 here where you were standing approximate-  
15 ly on that night?

16 A I would say in the second or third cubicle  
17 here (indicating).

18 Q Now, did you have any trouble seeing over the  
19 top of the counter?

20 A No. That is not a problem for me.

21 Q Was there anyone else standing nearby or close  
22 to the officer doing the typing at that  
23 time?

24 A Mr. Wegmann was standing beside me, Mr.  
25 Edward Wegmann.

1 Q I see. But was there anyone standing next  
2 to or close to the man doing the typing?

3 A There was another man there; I don't know who  
4 he was or what his function was.

5 Q Has he testified today, to your knowledge?

6 A I don't know.

7 Q Was he providing the man doing the typing with  
8 any information, to your knowledge?

9 A I don't honestly know.

10 Q Now, was the man who was standing next to the  
11 man doing the typing, would that have  
12 been either Mr. Sciambra, Mr. Oser, Mr.  
13 Ivon or Mr. Loisel or any member of the  
14 District Attorney's Staff that you are  
15 familiar with?

16 A No, it was no one that I knew.

17 Q Was it a uniformed policeman?

18 A My recollection is it was.

19 Q Now, when you were taken into the B of I room,  
20 I take it your testimony is that Mr.  
21 Wegmann was not allowed to accompany you?  
22 Is that correct?

23 A That is correct.

24 Q While in the B of I room were you abused in  
25 any way physically?

pl67

1 A No.

2 Q Were you offered any reward or made any

3 promises for any statement you might

4 make?

5 A I was not.

6 Q Did you provide the officer who did the

7 fingerprinting with any information at

8 all?

9 A He asked me no questions.

10 Q No questions?

11 A No, none.

12 Q No questions at all?

13 A No.

14 Q He didn't ask your name?

15 A No.

16 Q He didn't ask your height?

17 A No.

18 Q He didn't ask your weight?

19 A No.

20 Q He didn't ask your place of birth?

21 A No.

22 Q -- or date of birth?

23 A No.

24 Q Is it your testimony that Officer Habighorst

25 didn't ask you one question? Is that

Reference copy, JFK Collection: HSCA (RG 233)

p168

168

1                   your testimony?

2       A       That is correct.

3       Q       (Exhibiting document to witness) This is

4                   your signature, is it not?

5       A       That is correct.

6       Q       Did you see Officer Habighorst sign this card?

7       A       I did not see him do it.

8       Q       You did not?

9       A       No.

10      Q       Is it your testimony now that you did not utter

11                   one word the entire time that you were

12                   in the B of I?

13      A       That is not my testimony. I said I did not

14                   answer any questions. I was told by

15                   Officer Habighorst I was going to be

16                   fingerprinted, it was essential, had to

17                   be done for me to make bond.

18      Q       What word did you utter?

19      A       I said in that case of course I would do it.

20      Q       And that is all you said the entire time?

21      A       Yes.

22      Q       Did you hear Officer Butzman testify earlier?

23      A       Yes, I did.

24      Q       Is it your testimony that Officer Habighorst

25                   did not ask you any questions at all?



1 A That is my testimony.

2 Q Then Officer Butzman was incorrect when he  
3 said at least that he heard Officer  
4 Habighorst ask you the correct spelling  
5 of your name?

6 MR. DYMOND:

7 If the Court please, I object on the  
8 ground that it is asking one witness  
9 to pass upon the testimony of  
10 another witness.

11 THE COURT:

12 The objection is well taken.

13 MR. ALCOCK:

14 All right.

15 BY MR. ALCOCK:

16 Q Did Officer Habighorst at any time ask you how  
17 to spell your name?

18 A To my recollection, no.

19 Q Your middle name?

20 A No.

21 Q Well, now you are fairly certain he didn't  
22 ask you any questions? Is that correct?

23 A Correct.

24 Q That is your testimony?

25 A That is my testimony.

D170

Reference copy, JFK Collection: HSCA (RG 233)

1 Q Approximately how long were you in the room?

2 A Fifteen minutes perhaps.

3 Q Do you recall seeing Mr. Ivon in the room at  
4 any time?

5 A I don't recall seeing him.

6 Q Do you recall seeing Mr. Butzman in the room  
7 at any time?

8 A I did not recognize him today as having been --  
9 there, but undoubtedly he was. I don't  
10 say he wasn't.

11 Q Do you recall seeing or speaking to -- or  
12 not speaking to, because you said you  
13 didn't speak to anybody -- do you recall  
14 seeing Officer Habighorst?

15 A Yes.

16 Q Do you recall seeing Mr. Oser?

17 A I don't recall his being there.

18 Q Do you recall seeing Mr. Loisel?

19 A I don't know Mr. Loisel when I see him.

20 Q What did you do these 15 minutes that you were  
21 in there?

22 A There was some waiting when nothing went on,  
23 and then I was asked to wash my hands,  
24 which I did. I was then given a card  
25 and then I was told that this was a finger-

printing procedure which had to be done in order that I could make bond. Also in this same room I believe I was photographed, but the other end of the room. I was then given the card to sign and the fingerprints were taken.

Q Were you given the card before you washed your hands or after you washed your hands?

A After I washed my hands is my recollection.

Q And you signed it?

A I signed the card, yes.

Q And it was blank when you signed it?

A It was blank.

Q When did Officer Habighorst sign, as you recall?

A I do not know.

Q Did you see any other officer in there at all?

A There was another uniformed officer as I recall.

Q Did you see him sign the card?

A I did not.

Q Do you know how many cards you signed?

A To the best of my recollection, only one.

Q And you made no statements the entire time?

1 A I made no statement at all.

2 MR. ALCOCK:

3 I have no further questions.

4 MR. DYMOND:

5 That is all.

6 (Witness excused.)

7 MR. DYMOND:

8 If the Court please, in connection with  
9 the testimony of these witnesses  
10 I would like to offer, file and  
11 produce in evidence the documents  
12 previously marked for identification  
13 "D-14, 15, 16, 17, 18" and "19."

14 THE COURT:

15 Is there any objection on the part of  
16 the State?

17 MR. ALCOCK:

18 No objection.

19 THE COURT:

20 Let them be received in evidence.

21 MR. ALCOCK:

22 In connection with the testimony of the  
23 State's witnesses on this predicate,  
24 the State would offer, file and  
25 introduce into evidence, having

1 marked same for purposes of  
2 identification, "S-56" --

3 MR. DYMOND:

4 No objection.

5 MR. ALCOCK:

6 -- "S-57" --

7 MR. DYMOND:

8 No objection.

9 MR. ALCOCK:

10 -- "S-58" --

11 MR. DYMOND:

12 No objection.

13 MR. ALCOCK:

14 -- "S-59" --

15 MR. DYMOND:

16 No objection.

17 MR. ALCOCK:

18 -- and "S-60."

19 MR. DYMOND:

20 No objection.

21 THE COURT:

22 Very well.

23 MR. DYMOND:

24 Wait, wait. What was that 60? Your

25 Honor, we do object to the admissi-

bility of the Exhibit S-60, on the  
ground --

THE COURT:

May I take a look at it?

(Document exhibited to the Court)

State your reasons.

MR. DYMOND:

On the ground that it is actually a  
self-serving declaration on the  
part of the State. The Defendant  
has testified that he signed this  
card in blank and that all informa-  
tion contained thereon was placed  
thereon after the signature was  
affixed.

THE COURT:

I will be glad to hear from the State.

MR. ALCOCK:

Your Honor, that I submit is a matter of  
weight for the Jury. Officer  
Habighorst categorically testified  
that the information was placed on  
there prior to the Defendant signing  
it because the Defendant signed it  
only after he read what was on the

1 card, and it then becomes a matter  
2 of weight for the Jury to decide  
3 whether or not they will give it  
4 any weight, or, if they will give  
5 it, what weight they will give it.

6 THE COURT:

7 That is the only way I can see it.

8 MR. DYMOND:

9 I would like to add to our objection.

10 THE COURT:

11 Did you state, Mr. Alcock, that Mr.

12 Shaw did not sign this in advance  
13 of this information being put on  
14 there?

15 MR. ALCOCK:

16 I didn't state anything, I said Officer  
17 Habighorst's testimony is to the  
18 effect the Defendant read it with  
19 the information on it and then signed  
20 it. Now the Defendant does contra-  
21 dict that, but that is a matter of  
22 weight for the Jury.

23 MR. DYMOND:

24 If Your Honor please, I would like to  
25 add to the reasons for our objection,

1 the fact that this S-60 is, in  
2 effect, an inculpatory statement,  
3 and that, if it is such, it was  
4 made outside the presence of the  
5 Defendant's attorney when he wanted  
6 the presence of his attorney, his  
7 attorney was available, and I think  
8 it runs right into the teeth of the  
9 Miranda and Escobedo decisions.

10 THE COURT:

11 Do you wish to be heard, Mr. Alcock?

12 MR. ALCOCK:

13 Yes, I do. On that particular point,  
14 Your Honor, I think if one thing is  
15 clear in this record, it is that  
16 this Defendant at his own request  
17 had the presence of counsel with  
18 him and advice as to his Constitu-  
19 tional rights. The record clearly  
20 reflects that Mr. Panzeca arrived  
21 and conferred with him, Mr. Wegmann  
22 arrived and conferred with him, they  
23 went together to the Central Lockup.  
24 There was no interrogation of this  
25 Defendant as to his innocence or



D177

Reference copy, JFK Collection: HSCA (RG 233)

1                   guilt or implication or non-  
2                   implication into the alleged  
3                   crime in the B of I room, this is  
4                   merely a booking procedure, and I  
5                   think it is clearly analogous to  
6                   a situation where in the booking  
7                   process a person's clothes are  
8                   searched or a person is searched  
9                   to take possible weapons of self-  
10                  destruction from the prisoner, and  
11                  the courts have consistently held  
12                  that these are not violative of the  
13                  Constitutional right relative to  
14                  search and seizure, and I think that  
15                  is clearly analogous here. This is  
16                  strictly a procedural proposition,  
17                  something that is done with every  
18                  prisoner that is brought in, and  
19                  there was no interrogation, as  
20                  Miranda considers interrogation,  
21                  about the elements of the crime that  
22                  the person is charged with. I think  
23                  this is a clear exception.

24               THE COURT:

25               I am going to sustain the objection of

1 the Defense for the following rea-  
2 sons:

3 The District Attorney's Office and its  
4 associates, including assistants  
5 and investigators, are not herewith  
6 conforming to their charge of vio-  
7 lating any law or any instructions,  
8 in other words, their skirts are  
9 very, very clean. However, when we  
10 get to Captain Curole, who probably  
11 does not know about the Escobedo  
12 case, it appears to me that Captain  
13 Curole's instructions to the Defen-  
14 dant Mr. Shaw certainly are viola-  
15 tive of the Supreme Court decision  
16 in the Escobedo (case) where he was  
17 taken in a cubbyhole or private  
18 place to be questioned, even though  
19 his attorney was banging at the  
20 door to be let in. Now, it may not  
21 be as drastic as the Escobedo case,  
22 but no police officer has a right to  
23 tell an attorney he cannot be with  
24 his client at any time no matter  
25 what he is supposed to do.

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MR. ALCOCK:

Your Honor --

THE COURT:

Now let me finish. Don't get excited.

MR. ALCOCK:

I hope I am going to be given --

THE COURT:

Let me finish what I am going to say.

Officer Habighorst violated in spirit

and in effect the Miranda decision,

because if he asked questions -- and

we don't have to go into whether

he did or did not, because even if

he did it is inadmissible because

he did not forewarn Mr. Shaw of his

right to remain silent on an in-

culpatory statement such as do you

have an alias, so even if Officer

Habighorst is telling the truth

about what he did testify to -- and

I doubt it very seriously from all

the circumstances --

MR. ALCOCK:

Your Honor!

THE COURT:

1 Wait a minute. Let me finish my reasons  
2 for ruling.

3 MR. ALCOCK:

4 Are you passing on the credibility of--  
5 the State's witnesses in front of  
6 the Press and the world?

7 THE COURT:

8 The Jury is not hearing it, that is the  
9 main thing; the whole world can  
10 hear it. I do not believe Officer  
11 Habighorst, I do not believe him --

12 MR. ALCOCK:

13 If Your Honor please, --

14 THE COURT:

15 Let me finish my reasons for ruling.

16 MR. ALCOCK:

17 -- I move for a mistrial.

18 THE COURT:

19 Mistrial is denied.

20 MR. ALCOCK:

21 To which ruling I respectfully reserve a  
22 bill of exception, making a part  
23 thereof the Court's unsolicited  
24 gratuitous remarks about the testi-  
25 mony of the State's witnesses, my

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Reference copy, JFK Collection: HSCA (RG 233)

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objection and this Court's ruling --

THE COURT:

You may take your bill of exception.

The question of whether Officer Habighorst did or did not ask the Defendant whether or not he had an alias of Clay Bertrand would not be admissible before me because of the violation by Captain Curole of the Escobedo case, and by Officer Habighorst of the Miranda case, and for that reason I sustain the objection and I will not permit State's Exhibit No. 60 to be received in evidence because it does contain an inculpatory statement to the effect that Mr. Shaw admitted that he had an alias under the name of Clay Bertrand, so if you wish --

MR. ALCOCK:

I am going to take writs. I would like to take my bill of exception.

THE COURT:

Take writs.

MR. ALCOCK:

1 That is exactly what I am going to do.

2 THE COURT:

3 All right.

4 MR. DYMOND:

5 If the Court please --

6 THE COURT:

7 First thing, I am ruling on your objec-  
8 tion.

9 MR. DYMOND:

10 Yes, sir, I know that.

11 THE COURT:

12 Outside of the presence of the Jury.

13 MR. DYMOND:

14 Your Honor, at this time the Defense --

15 THE COURT:

16 I have to pass on the admissibility or  
17 nonadmissibility outside of the  
18 presence of the Jury. If I admit  
19 it in, they have to do it all over  
20 again in front of the Jury.

21 Is the predicate submitted to me by the  
22 State and the Defense?

23 MR. ALCOCK:

24 Yes.

25 MR. DYMOND:

1 Yes.

2 THE COURT:

3 I will rule that it is inadmissible be-  
4 fore the Jury because of the rea-  
5 sons stated when I just sustained  
6 the Defense's objection to State  
7 Exhibit 60. I will not permit this  
8 to be received in evidence. And I  
9 further rule that the alleged in-  
10 culpatory statement cannot be re-  
11 ceived by the Jury.

12 You may take your bill of exception.

13 MR. ALCOCK:

14 To which ruling the State respectfully  
15 reserves a bill of exception, making  
16 a part thereof the entire testimony  
17 of this predicate, all physical  
18 exhibits introduced during the course  
19 of the laying of this predicate, the  
20 Defendant's objection to the ad-  
21 missibility of Exhibit State 60, the  
22 Court's ruling thereon and the  
23 State's objection all parts of this  
24 bill.

25 I would request of the Court permission

1 for time to apply to the Louisiana  
2 Supreme Court for writs of  
3 certiorari.

4 THE COURT:

5 You have time between now and 9:00  
6 o'clock tomorrow morning as this  
7 case will start at 9:00 a.m. unless  
8 I am directed by the Supreme Court  
9 not to proceed with this case.

10 The Jury is still upstairs and I do not  
11 see any need of bringing them down  
12 at this moment. It is about 27  
13 minutes to 6:00 and I am going to  
14 adjourn Court until tomorrow morn-  
15 ing.

16 Mr. Alcock, you can communicate with  
17 some Justice of the Supreme Court --

18 MR. ALCOCK:

19 I will, Your Honor.

20 THE COURT:

21 -- and if they communicate with me that  
22 I should hold up all proceedings in  
23 this case until you can effect an  
24 application for a writ of certiorari,  
25 which is what you are looking for.



185

1 I will proceed with this case unless  
2 I am instructed either orally or  
3 in writing not to proceed with the  
4 case, and before I proceed, tomorrow  
5 morning at 9:00 o'clock, if an  
6 attempt has been made to communicate  
7 with me without success, at quarter  
8 to 9:00 tomorrow morning I will make  
9 it my business to be here with you  
10 and we will call the Supreme Court  
11 and find out if they have been try-  
12 ing to reach me, so if for some rea-  
13 son they do not communicate with me  
14 tonight I will not start the case  
15 at 9:00 a.m. tomorrow until I call  
16 the Supreme Court in your presence  
17 at quarter to 9:00.

18 Sheriff, we are going to adjourn the  
19 case at this moment. Let everybody  
20 have a seat. Well, the Jurors are  
21 upstairs. Tell them to come down  
22 and let them leave first, and then  
23 we will adjourn court.

24 MR. ALCOCK:

25 Your Honor, if the Court deems it neces-

1 sary, I could reserve my bill in  
2 the presence of the Jury.

3 THE COURT:

4 I wish you would. My ruling is that the  
5 predicate for the admission of a  
6 statement inculpatory in nature,  
7 being traversed by the Defenant, I  
8 will rule that the oral statement  
9 cannot be introduced as admissible  
10 evidence in this particular case.

11 MR. ALCOCK:

12 To which ruling the State respectfully,  
13 reserves a bill of exception, making  
14 a part thereof the entire testimony  
15 adduced during the predicate laid  
16 by the State, as well as the tra-  
17 versing evidence introduced by  
18 Defense Counsel during the laying of  
19 the predicate, the ruling of the  
20 Court, the State's objection there-  
21 to, as well as State Exhibit No. 60.

22 THE COURT:

23 You wish to make that part of your bill  
24 of exception?

25 MR. ALCOCK:

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Reference copy, JFK Collection: HSCA (RG 233)

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We do.

THE COURT:

Very well. Let it be so noted in the record.

Gentlemen of the Jury, I must again admonish you and instruct you not to discuss the case with anyone. That includes any person and among yourselves.

MR. ALCOCK:

I omitted that the State announces in the presence of the Jury that the State intends to take writs to the Louisiana Supreme Court.

THE COURT:

I will let it be noted in the record that the statement was made in the record before the Jury.

Mr. Shaw, you are released on your same bond.

... Thereupon, at 5:36 o'clock p.m., the proceedings herein were adjourned to Thursday, February 20 at 9:00 o'clock a.m. ....

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CRIMINAL DISTRICT COURT  
PARISH OF ORLEANS  
STATE OF LOUISIANA

.....  
STATE OF LOUISIANA . 198-059  
VERSUS . 1426(30)  
CLAY L. SHAW . SECTION "C"  
.....

PROCEEDINGS IN OPEN COURT,  
FEBRUARY 20, 1969

B E F O R E : THE HONORABLE EDWARD A. HAGGERTY, JR.,  
JUDGE, SECTION "C"

Dietrich & Pickett, Inc.  
Stenotypists

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130-522-3111

002030

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11/14/69

CRIMINAL DISTRICT COURT  
PARISH OF ORLEANS  
STATE OF LOUISIANA

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NEW ORLEANS, LOUISIANA 70130 - 522-3111

1 . . . . Pursuant to the adjournment, the  
2 proceedings herein were resumed at 9:32  
3 o'clock a.m., appearances being the same  
4 as heretofore noted in the record. . . .

5 THE COURT:

6 Out of the presence of the Jury, I wish  
7 to state for the record that an  
8 application for a writ of certiorari  
9 order directed to the Honorable  
10 Edward A. Haggerty, Judge of Section  
11 "C", Criminal District Court for the  
12 Parish of Orleans, was filed with  
13 the Supreme Court of Louisiana last  
14 night by the District Attorney's  
15 office. I have been awaiting word,  
16 which we have just received from  
17 Mr. Moise, who is Clerk of the  
18 Supreme Court, that the application  
19 has been denied, and it is signed  
20 by six of the seven Justices of the  
21 State Supreme Court. The only  
22 Justice not signing it was Justice  
23 E. Howard McCaleb.

24 So I am proceeding with the trial at  
25 this moment.



1 Bring the Jury up.

2 MR. ALCOCK:

3 Your Honor, prior to bringing the Jury  
4 down, the State has a motion to  
5 make.

6 THE COURT:

7 All right. I will be glad to hear you.

8 MR. ALCOCK:

9 Your Honor, prior to bringing the Jury  
10 down, the State would like to move  
11 the Court to reconsider its ruling  
12 of yesterday afternoon, and the  
13 State would like to present to the  
14 Court very briefly oral argument  
15 in connection with that motion.

16 THE COURT:

17 I will hear it.

18 MR. ALCOCK:

19 I think the testimony adduced on the  
20 predicate clearly demonstrated --  
21 and I am not going to belabor the  
22 point, the presence of Defendant's  
23 Counsel approximately four hours  
24 before he was taken over to Central  
25 Lockup. Counsel (a) conferred with

1 him privately on two occasions at  
2 least, in the District Attorney's  
3 office, and as the Court noted in  
4 rendering its decision, the District  
5 Attorney's office afforded him all  
6 of his constitutional rights. Once  
7 over in the Central Lockup, and more  
8 particularly in the B of I Room, we  
9 have a conflict in testimony as to  
10 whether or not the Defendant was  
11 accorded his constitutional rights.

12 Now, Mr. Wegmann did take the stand and  
13 testify he never entered the con-  
14 fines of that room, and I have no  
15 reason to dispute that, especially  
16 in connection with the testimony of  
17 Captain Curole who said that he had  
18 asked Mr. Wegmann to leave the  
19 premises because of a rule of the  
20 New Orleans Police Department, but  
21 I would respectfully call to the  
22 Court's attention the testimony of  
23 the Defendant himself. Now, it is  
24 his constitutional rights that we  
25 have under consideration at this

time.

5

The Defendant said that he made no statement to Officer Habighorst. The Defendant additionally said that Officer Habighorst asked him no questions. Now, Officer Habighorst's testimony was diametrically opposed to that testimony, to the effect that he did ask him questions and in response to those questions he got certain routine information which he used to fill in the fingerprint card.

We have the testimony of Officer Butzman, who specifically recalls seeing the Defendant converse with Officer Habighorst. However, he only overheard one portion of the conversation and that related to the correct spelling of the Defendant's name. He did not recall whether or not as a matter of fact Officer Habighorst had in his possession the Arrest Register or the Field Arrest Report. Captain Curole was not

1 present and therefore he could  
2 not testify as to what Officer  
3 Habighorst may or may not have had  
4 in his hand at the time that he  
5 questioned the Defendant relative  
6 to the routine information or per-  
7 sonal data needed for the identi-  
8 fication record. Officer Perkins  
9 was not present.

10 It is my point simply, Your Honor, that  
11 the Defendant by taking the witness  
12 stand himself and saying that he  
13 made no statement, that no questions  
14 were asked of him, has obviated the  
15 need for the State laying this  
16 predicate. The predicate is solely  
17 to determine whether or not as a  
18 matter of law which the Court must  
19 pass on first prior to the tryer  
20 of fact, which would be the Jury,  
21 whether or not as a matter of law  
22 the Defendant's rights, constitu-  
23 tional rights, were abridged.

24 Now, I submit that when the Defendant  
25 took the stand himself and said he

7

1 made no statements, that he himself  
2 under oath testified that none of  
3 his constitutional rights were  
4 abridged. He stated emphatically  
5 that he had never been abused  
6 physically at any time, he had  
7 never been made any promises, no  
8 inducements were ever made or  
9 offered to him to make any statement.  
10 His testimony was that he remained  
11 almost completely mute in the B of  
12 I Room.

13 Now, I submit whether or not the Defen-  
14 dant responded to Officer Habighorst  
15 as to his alias being Clay Bertrand  
16 or not is a matter for the Jury to  
17 determine, a matter of credibility  
18 to determine whether or not this  
19 man said this or whether Officer  
20 Habighorst is completely truthful  
21 or the Defendant is completely  
22 truthful, but the mere fact that  
23 the Court may or may not believe  
24 Officer Habighorst as to whether  
25 or not the Defendant made this

1 statement, although I say the only 8  
2 evidence we had in the court besides  
3 the testimony of the Defendant and  
4 the testimony of Habighorst, seemed  
5 to corroborate Habighorst and  
6 demonstrate that the only person  
7 lying was the Defendant when he said  
8 he made no statements. It is still  
9 my position when he makes that  
10 statement that he made no statements,  
11 he is telling this Court that no  
12 constitutional right of his was  
13 abridged.

14 The question then becomes, did he make  
15 the statement or did he not, not  
16 under what circumstances it was  
17 made. Certainly they would be  
18 useful for the Jury in giving  
19 weight to whatever statement they  
20 felt he made, but I strenuously ask  
21 this Court to reconsider its ruling  
22 in the light of the fact that the  
23 Defendant himself said none of his  
24 constitutional rights were abridged,  
25 and I respectfully request this

1 Court to reverse its decision and  
2 allow the State to introduce "S-60"  
3 and the oral testimony surrounding  
4 this alleged statement.

5 THE COURT:

6 Do you wish to be heard, Mr. Dymond?

7 MR. DYMOND:

8 If the Court please, Counsel is in  
9 effect at this time asking Your  
10 Honor to reconsider a ruling and  
11 as a result of that reconsideration  
12 to overrule the Supreme Court of  
13 Louisiana.

14 As we see it, this fingerprint card in  
15 question, and more particularly the  
16 information contained thereon, got  
17 there in one of two ways: either  
18 as a result of questioning by  
19 Officer Habighorst, in which event  
20 the Miranda and Escobedo rights of  
21 the Defendant were violated and in  
22 which event it would necessarily be  
23 inadmissible, or else it was placed  
24 on there by Officer Habighorst after  
25 the card had been signed in blank

1 by the Defendant, in which case  
2 it would also be inadmissible as  
3 merely a declaration of Officer  
4 Habighorst's.

5 I think it is quite obvious how this  
6 information came into being. You  
7 can follow the chain right down the  
8 line. First you had a search  
9 warrant with Officer Ivon being  
10 the person who executed it, in  
11 which search warrant it was alleged  
12 that Mr. Shaw had the alias, Clay  
13 Bertrand.

14 From this search warrant we next go to  
15 the Field Arrest Report, also made  
16 out by the same officer, Officer  
17 Ivon, once again containing the  
18 alias which Officer Ivon himself  
19 had originally put in the affidavit  
20 supporting the search warrant.

21 Then we have the original Arrest Register,  
22 which by the testimony of all those  
23 who testified, is taken from the  
24 Field Arrest Report. So once again  
25 you have the transfer of the original



1 Ivon idea of the alias from the  
2 affidavit to the Field Arrest  
3 Report to the Arrest Register.

4 Then according to the testimony, the  
5 information from the Arrest Register  
6 goes onto the fingerprint card  
7 after it has been signed in blank  
8 by this Defendant.

9 Now, to permit the Jury to hear the  
10 evidence surrounding these documents  
11 would certainly be prejudicial, it  
12 would be a needless thing, needless  
13 prejudice. We have something that  
14 no matter which way the information  
15 got on there, it is inadmissible,  
16 and I submit to the Court it is a  
17 completely futile, useless and pre-  
18 judicial act to permit the Jury to  
19 hear this evidence.

20 THE COURT:

21 Do you wish to reply?

22 MR. ALCOCK:

23 Yes, Your Honor.

24 Briefly, I think Mr. Dymond's argument  
25 by going back to the execution of

1 the search warrant by Officer  
2 Ivon and then proceeding to the  
3 Field Arrest Report and then to  
4 the Arrest Register, is probably  
5 and might on most occasions have  
6 been the proper procedure. However,  
7 that was not the testimony in this  
8 case. Officer Ivon never testified  
9 that Habighorst had a copy of the  
10 Arrest Register or the Field Arrest  
11 Report, and Habighorst said he did  
12 not. But I don't want to again  
13 belabor that area of the case. I  
14 think it again exhibits a weakness  
15 in the defense position in arguing  
16 this, because in a sense essentially  
17 what they are arguing is that  
18 Habighorst is not believable as to  
19 where the name, Clay Bertrand, came  
20 from. Did it come from some form  
21 that he had or did it come from the  
22 mouth of the Defendant? That is  
23 an issue which is solely within  
24 the province of the Jury, it has  
25 no relevancy whatsoever to a

1 predicate, and again when they  
2 argued that, they are arguing in  
3 effect that the Jury should not be  
4 allowed to hear this because it is  
5 prejudicial. Every piece of evi-  
6 dence the State puts on is I hope  
7 prejudicial against the Defendant.  
8 It is for the Jury to weigh this  
9 evidence. The only issue before  
10 Your Honor is whether or not the  
11 Defendant, if he made a statement  
12 at all, made it freely and volun-  
13 tarily and after having been duly  
14 warned of his constitutional rights.  
15 Now he says he made no statement;  
16 the State says he did. The tryer  
17 of fact should be the body to  
18 determine whether or not he made  
19 the statement, and, if he did, what  
20 weight should be given to that  
21 statement, and I respectfully  
22 request this Court to reverse its  
23 ruling.

24 MR. DYMOND:

25 If the Court please, I would like to make

1 just one brief remark.

2 It is axiomatic that when either side,  
3 State or the Defense, places a  
4 witness on the witness stand, that  
5 side vouches for the credibility of  
6 that witness. Officer Habighorst  
7 said that he got this information  
8 by questioning the Defendant. If  
9 you are going to vouch for the  
10 credibility of that witness, which  
11 the State must, we run squarely  
12 into the prohibitions of Miranda  
13 Escobedo. Your Honor has ruled on  
14 that, Your Honor has been affirmed  
15 by the Louisiana Supreme Court, and  
16 we respectfully submit your previous  
17 ruling is immanently correct and  
18 ask you to abide by it.

19 MR. ALCOCK:

20 The Defendant says his constitutional  
21 rights were not abridged. Addi-  
22 tionally, the Defense vouched for  
23 the credibility of Sergeant Butzman  
24 who contradicted flatly the Defen-  
25 dant's own testimony as to whether

1           there was any conversation between  
2           the Defendant and Habighorst. I  
3           submit if we are going to go on  
4           vouching for credibility, the  
5           Defendant himself destroyed the  
6           very issue before this Court,  
7           whether or not he gave this state-  
8           ment freely and voluntarily, and  
9           again I request this Court to reverse  
10          it prior ruling.

11       MR. DYMOND:

12           Just one remark, if I may, in answer.

13       Mr. Alcock has very politely stated

14           that the State hopes that all the  
15           evidence they put on will be pre-  
16           judicial to the Defendant, and I  
17           certainly don't criticize that  
18           remark but I would like to comment  
19           on it by saying that this evidence  
20           cannot and may not be evidence  
21           which is the product of the  
22           imagination of investigating  
23           officers, which is the only other  
24           way that the information could have  
25           gotten on that card other than by

questioning this Defendant.

MR. ALCOCK:

Well, that is for the Jury to decide,  
Your Honor. That is my whole  
point, that is for the Jury to  
decide, that is not for the Court  
to decide on a predicate as to the  
freeness and voluntariness of a  
confession.

THE COURT:

Is the matter submitted?

MR. ALCOCK:

Yes, Your Honor, it is submitted.

THE COURT:

The way I read the Code on confessions,  
which includes inculpatory state-  
ments, it is first for the Court  
to decide, not the Jury, the Court  
must first decide whether it was  
freely and voluntarily given.

Under Article 451:

"Before what proposes to be a concession  
can be introduced into evidence, it  
must be affirmatively shown that it  
was free and voluntary, not made

1 under the influence of fear, duress,

17

2  
3 or promises."

4 Now, that means that the State must  
5 affirmatively show to the Court  
6 out of the presence of the Jury  
7 that the statement, whether oral  
8 or written, is not tainted with  
9 some illegality.

10 Now, this particular case is not up to  
11 Mr. Shaw or his counsel, nor, for  
12 that matter, to the State, that  
13 his constitutional rights were not  
14 violated; it is up to me to make  
15 that decision, not Mr. Shaw. He  
16 can say what he wants. But the  
17 controlling point as I see it in  
18 this case is, as Mr. Dymond well  
19 said a moment ago, this information  
20 printed, typewritten on the finger-  
21 print card wherein it states that  
22 Mr. Clay Shaw has an alias of Clay  
23 Bertrand, could have only gotten on  
24 there in one of two ways, either  
25 Mr. Habighorst put it on there

1                   himself without questioning Mr.

2                   Shaw, and got the information which  
3                   originated with Officer Ivon, or he  
4                   did question him and he got the  
5                   information from Mr. Shaw himself.

6                   Now, if he got the information in the  
7                   first instance, then it is a self-  
8                   serving declaration and it should  
9                   not be imputed to Mr. Shaw in any-  
10                  wise, irrespective of Miranda and  
11                  Escobedo.

12                 MR. ALCOCK:

13                         That would be the --

14                 THE COURT:

15                         Let me finish, Mr. Alcock.

16                         In the other instance, if he did in fact  
17                         admit orally to Officer Habighorst  
18                         that he had an alias -- which I  
19                         told you yesterday I seriously  
20                         doubt -- then Mr. Habighorst did  
21                         not follow the Miranda decision by  
22                         telling Mr. Shaw, I am going to ask  
23                         you a question that may inculcate  
24                         you or may be detrimental to you,  
25                         and you do not have to answer. But



1 Officer Habighorst did not do that. 19

2 So if he did not do that, it violates  
3 the principles of the Miranda and  
4 Escobedo decisions.

5 Now the second point. When Mr. Wegmann,  
6 Eddie Wegmann, and Mr. Panzeca --  
7 particularly Mr. Eddie Wegmann  
8 wanted to be with his client and  
9 Captain Curole -- I find no fault,  
10 because he is not expected to know  
11 the latest Supreme Court decisions  
12 of the United States, but in the  
13 Escobedo case we had the same  
14 principle, his attorney was clamor-  
15 ing to get to his client and they  
16 wouldn't let him get to him, they  
17 wanted to question him and try to  
18 get a confession, and the general  
19 principle of law is that Captain  
20 Curole had no right, irrespective  
21 of a police regulation that a man  
22 cannot be with his client when he  
23 is being fingerprinted, so I see  
24 clearly that Captain Curole's  
25 instructions violated the Danny

Escobedo case.

2

Now, under both situations -- and that is the only way the typewritten information could have gotten on this fingerprint card -- in both instances it was illegally obtained. So I have reconsidered and I will not change my decision.

All right. Bring the Jury down.

MR. ALCOCK:

Your Honor, in the Jury's presence I would like to take a bill of exception to Your Honor's ruling.

THE COURT:

Very well. You can repeat the bill in the presence of the Jury when they come down without stating what --

MR. ALCOCK:

I won't.

(Whereupon, the Jury returned to the courtroom.)

THE COURT:

Now are the State and the Defense ready to proceed?

MR. ALCOCK:

21

Your Honor, I would like to take a bill of exception to the Court's ruling on the State's motion for the Court's reconsideration of a ruling made last night, and I would like to make a part of that bill the Court's ruling last night, the argument adduced in support and in opposition to the State's motion this morning, the Court's ruling on the motion and the State's objection thereto all parts of the bill.

THE COURT:

Very well.

Call your next witness.

MR. ALCOCK:

The State rests.

MR. DYMOND:

If the Court please, at this time the Defense would like to file a motion which is required by law to be filed outside of the presence of the Jury.

1 THE COURT:

2 Sheriff, take the Jury back upstairs.  
3 (Whereupon, the Jury retired from  
4 the courtroom.)

5 THE COURT:

6 You may proceed.

7 MR. DYMOND:

8 If Your Honor please, at this time the  
9 Defense would like to file a motion  
10 for a directed verdict, which we  
11 are prepared to argue at this time.

12 THE COURT:

13 Have you served a copy on the State?

14 MR. DYMOND:

15 I have, yes.

16 THE COURT:

17 I can see the reasonableness of excluding  
18 the Jury, but what is your authority  
19 that you should argue this out of  
20 the presence of the Jury?

21 MR. DYMOND:

22 Your Honor, it has been held reversible  
23 error for the Jury to be informed  
24 that a motion for a directed verdict  
25 has been filed and denied, for the

1 reason that it gives the Jury the  
2 impression that the Court as of the time  
3 of denying that motion feels that a prima  
4 facie case has been made out by the State,  
5 and it would consequently indirectly  
6 amount to a comment on the evidence by  
7 the Court.

8 THE COURT:

9 I understand that, but I wondered why  
10 when they drew this article, why  
11 they didn't include it in there.  
12 It seems obvious.

13 MR. DYMOND:

14 It is not specifically included in the  
15 article.

16 THE COURT:

17 It is not in Article 778 of the Code of  
18 Procedure, but I can see where it  
19 would be prejudicial to give the  
20 Jury the impression that the Judge  
21 thinks they have made out a prima  
22 facie case.

23 MR. DYMOND:

24 That is correct.

25 THE COURT:

1 If you do it out of the presence of  
2 the Jury, they do not get that  
3 information.

4 MR. DYMOND:

5 That is correct.

6 THE COURT:

7 I will hear your argument on that point.

8 MR. DYMOND:

9 If the Court please, at the outset we  
10 would like to respectfully call the  
11 Court's attention to the specific  
12 wording of R.S. 1426.

13 THE COURT:

14 That is the conspiracy article?

15 MR. DYMOND:

16 That is the conspiracy article, the  
17 statute under which this Defendant  
18 stands charged.

19 THE COURT:

20 You may proceed.

21 MR. DYMOND:

22 Your Honor will note that criminal  
23 conspiracy is defined as the  
24 "Agreement or combination of two  
25 or more persons for the specific

1 purpose of committing any crime."

2 Then, of course, you must have an  
3 overt act, as the statute goes on  
4 to say.

5 Now, if the Court please, our motion is  
6 primarily directed at the nonexistence  
7 of an actual agreement or combin-  
8 ation, according to the very testi-  
9 mony of the State's witnesses.

10 Before getting into the contradictions  
11 of Perry Russo, the witness upon  
12 whom the State must rely in attempt-  
13 ing to establish this agreement or  
14 combination, let me call the Court's  
15 attention to one specific verbatim  
16 quotation from the testimony of  
17 Russo:

18 "Q. And it is your testimony that you  
19 sat in, or listened in, on a con-  
20 spiratorial meeting with a man whom  
21 you saw represented in the paper  
22 and on television as the killer of  
23 President Kennedy, and didn't report  
24 it at any time to any law enforcement  
25 agent? Is that right?

1 "A. No. I never said anything about  
2 a conspiracy; I didn't sit in on  
3 any conspiracies."

4 Now, if the Court please, I can well  
5 anticipate the State's answering  
6 this by saying that Perry Raymond  
7 Russo is not qualified to pass upon  
8 whether this amounted to or did not  
9 amount to a conspiratorial meeting.  
10 Such an argument as that would be  
11 very, very difficult to answer were  
12 it not for the other testimony of  
13 Perry Raymond Russo wherein we  
14 actually got down to the specifics  
15 of what he did hear and did not hear.

16 If Your Honor will recall, on cross-  
17 examination I asked Perry Raymond  
18 Russo:

19 "Q. Did you hear Clay Shaw agree to do  
20 anything?"

21 The answer was an unequivocal no.

22 "Q. Did you hear David Ferrie agree to  
23 do anything?"

24 "A. No.

25 "Q. Did you hear Leon Oswald agree to



1 do anything?

27

2 "A. No."

3 If Your Honor please, I submit in that  
4 connection that without an agreement  
5 to do anything you cannot have an  
6 agreement or combination, an agree-  
7 ment in the sense used in R.S. 1426  
8 as actually a meeting of the minds  
9 as you would have in a contract in  
10 civil law, and without any of the  
11 three alleged participants to an  
12 agreement agreeing to do anything,  
13 I submit to Your Honor that the  
14 requirements of 1426 cannot be met,  
15 because this Act requires that there  
16 be an agreement or combination for  
17 the specific purpose of committing  
18 any crime, which means that the  
19 participants must specifically agree,  
20 there must be a meeting of the minds.

21 Now, we went on further with Russo.

22 Russo was asked whether he ever  
23 heard any particular victim of an  
24 assassination referred to as being  
25 the victim of it, was he sure

1           whether they were planning to kill  
2           Kennedy or Castro. He did not  
3           know, he could not say.

4           Then the requirement that there be an  
5           agreement to commit a specific  
6           crime is completely nonexistent.

7           We then go further in the testimony of  
8           Perry Raymond Russo, and, as I am  
9           sure the Court will recall, I said,  
10          "Russo, was there any agreement or  
11          was there any plot or plan, or was  
12          this a bull session? Was it a bull  
13          session as you had heard David Ferrie  
14          conduct and participate in on many  
15          other occasions?" At which time  
16          Perry Raymond Russo admitted from  
17          that witness stand that, by his own  
18          terminology, this was nothing more  
19          than a bull session.

20          Now, I submit to Your Honor that at  
21          certain times when President  
22          Kennedy was extremely unpopular  
23          because of specific things that he  
24          had done in connection with his  
25          office as President of this country,

1                   there were many loose bull session  
2                   remarks made by many people who  
3                   disagreed with his policies, and  
4                   certainly it would be ludicrous and  
5                   ridiculous to brand each such remark  
6                   or bull session as the type of  
7                   agreement or combination which is  
8                   required by the terminology of R.S.  
9                   1426 to constitute an unlawful con-  
10                  spiracy to commit a crime.

11               Perry Raymond Russo, as Your Honor well  
12               knows, is the only witness who  
13               allegedly witnessed this alleged  
14               conspiratorial meeting. Where else  
15               can we learn at this point of the  
16               case what went on in that meeting?  
17               What was the attitude of the people?  
18               Was it an attitude of seriousness,  
19               or was it a bull session? Was there  
20               a plan or plot? Was there a legally  
21               prohibited agreement or combination  
22               to commit a crime?

23               Your Honor, I say there is nowhere else  
24               that we can now learn that, and,  
25               therefore, this Court is constrained

1 to accept the word of Perry Raymond 30  
2 Russo for the purpose of this motion  
3 for a directed verdict, as to what  
4 was the atmosphere at 3330 Louisiana  
5 Avenue Parkway.

6 Was there a conspiracy? Russo's answer  
7 is no, I did not sit in on any  
8 conspiracy, I have never referred  
9 to anybody as a conspirator. Did  
10 you hear Mr. Shaw agree to anything?  
11 No, I didn't hear him agree to any-  
12 thing, I didn't hear Ferrie agree  
13 to anything, I didn't hear Leon  
14 Oswald agree to anything. Was this  
15 a serious meeting? No, it was a  
16 bull session -- in his own words --  
17 a bull session such as I have heard  
18 David Ferrie participate in many  
19 times. It was characteristic of  
20 the man to do so.

21 So we say, Your Honor, that this strikes  
22 at the very heart, strikes at the  
23 very core of what is necessary for  
24 the State to start out with, what  
25 it is necessary for the State to

1 have proven even to be able to  
2 prove overt acts, even to hold one  
3 alleged conspirator responsible for  
4 the acts of another one.

5 We get then to the absolute void, to the  
6 absolute failure of the State to do  
7 the two necessary things in con-  
8 nection with the alleged overt acts,  
9 that is, prove that the acts were  
10 committed and prove that, if they  
11 were committed, they were committed  
12 in furtherance of an illegal con-  
13 spiracy or a combination or agree-  
14 ment.

15 We ask that Your Honor review the overt  
16 acts alleged by the State, review  
17 the overt acts attempted to be proven  
18 by the State.

19 We have the trip of Mr. Shaw to the West  
20 Coast alleged as an overt act. We  
21 in all sincerity submit to this  
22 Court that while there is no dispute  
23 about a trip to the West Coast by  
24 Mr. Shaw, likewise there is actually  
25 no connection, no showing of any

1 connection between this trip to  
2 the West Coast and the alleged  
3 conspiratorial meeting. Nowhere  
4 in this record has it been estab-  
5 lished that this trip was taken in  
6 furtherance of anything other than  
7 a desire by Mr. Shaw to fulfill a  
8 speaking engagement on the West  
9 Coast.

10 We went then to the trip to Houston,  
11 Texas, by David W. Ferrie. In con-  
12 nection with that, Your Honor, I  
13 submit that once again we have a  
14 complete lack of connection between  
15 this trip and the alleged conspir-  
16 atorial meeting and the object of  
17 the conspiracy. So David Ferrie  
18 did go to Houston. Actually the  
19 witness by which they proved that  
20 he went to Houston destroyed his  
21 own credibility, claiming that he  
22 had been contacted by Mr. Sciambra  
23 back in 1964, when I don't think  
24 Mr. Sciambra was even in the District  
25 Attorney's office. But even accept-

1 ing as true, accepting at face  
2 value the testimony of this witness,  
3 there is no connection whatsoever  
4 established between the trip by  
5 David W. Ferrie and any agreement  
6 or combination to kill President  
7 Kennedy.

8 Further in connection with that alleged  
9 overt act, Your Honor, I might point  
10 out that at the time of this alleged  
11 overt act, President Kennedy had  
12 been shot, had been dead.

13 We get then to the alleged overt act  
14 concerning the taking of the rifle  
15 by Lee Harvey Oswald from the home  
16 of Mrs. Paine to the Dallas School  
17 Book Depository.

18 First of all, if the Court please, it  
19 has yet to be proven by the State --  
20 and all that we have to go on for  
21 purposes of this motion is the record  
22 as it exists right now -- it has yet  
23 to be proven by the State that Lee  
24 Harvey Oswald ever took a gun to  
25 the School Book Depository. The

1 witness produced by the State in  
2 connection with that alleged overt  
3 act merely testified that he had a  
4 package which he, Lee Harvey Oswald,  
5 said contained curtain rods.

6 As a matter of fact, I might point out  
7 that the State has by implication  
8 tried to show that Lee Harvey Oswald  
9 actually had nothing to do with this  
10 shooting.

11 Now, Your Honor, I have covered three  
12 of the alleged overt acts. The two  
13 remaining ones are actually con-  
14 tained in, and interwoven in, the  
15 alleged conspiratorial meeting at  
16 3330 Louisiana Avenue Parkway.  
17 Actually they are part of it. How-  
18 ever, in connection with those, I  
19 can merely revert back to the testi-  
20 mony of Perry Raymond Russo, and  
21 just as I submitted to the Court  
22 that his testimony actually destroyed  
23 the contention that there was an  
24 agreement or combination, his testi-  
25 mony has the same effect upon the



1                   alleged overt acts which were inter- 35  
2                   woven in that meeting, that is, the  
3                   effect of destroying them.

4                   So in closing, Your Honor, we respectfully  
5                   submit to the Court that, Number One,  
6                   no agreement or combination to  
7                   commit a specific crime has been  
8                   proven by the testimony of the  
9                   State's own witnesses. That is  
10                  Element Number One of the crime  
11                  missing. No overt acts have been  
12                  proven, which is Element Number Two  
13                  of the crime, which adds up, Your  
14                  Honor, to one thing, and that is  
15                  that the State has not made out a  
16                  prima facie case, and we ask that  
17                  Your Honor exercise the power vested  
18                  in you by the Louisiana Legislature  
19                  and direct that this Jury return a  
20                  verdict of not guilty at this time.

21                  MR. ALCOCK:

22                  May it please the Court, in answer to  
23                  Mr. Dymond's argument, I would first  
24                  call the Court's attention to the  
25                  fact that the State feels that the

1 Court has already, at least if not  
2 directly, indirectly and infer-  
3 entially ruled on this matter,  
4 because the Court has already held  
5 that conversations which transpired  
6 outside the presence of the Defendant  
7 after the meeting on Louisiana Park-  
8 way were admissible, and the only  
9 reason that they could be admissible  
10 would be that this Court had found  
11 as a matter of law that the State  
12 had proven the case prima facie,  
13 and I am sure the Court recalls that  
14 it did allow these conversations  
15 subsequent to this meeting on  
16 Louisiana Avenue Parkway, so I feel  
17 that the Court has already ruled on  
18 this matter. However, I would like  
19 to address myself briefly to some  
20 of the arguments of Defense Counsel.

21 There is no doubt, and certainly the  
22 State has no argument with the fact  
23 that it must show this agreement or  
24 combination. This is the very  
25 essence of the crime of conspiracy.

1 However, the Court also knows that  
2 the crime of conspiracy is somewhat  
3 complicated and certainly very broad,  
4 very, very broad. The Court can  
5 recall during voir dire examination  
6 many times jurors, prospective  
7 jurors and perhaps jurors sitting on  
8 this panel today, became confused in  
9 the explanation of the crime of con-  
10 spiracy, and Mr. Dymond is quite  
11 right when he suggests that the  
12 State would come before this Court  
13 and argue that Perry Raymond Russo,  
14 Number One, is not a lawyer, Number  
15 Two, certainly is in no position to  
16 determine the proper definition, the  
17 legal definition, of a conspiratorial  
18 meeting or a conspiratorial agree-  
19 ment. What words Perry Russo puts  
20 on the conversation are, as far as  
21 this motion is concerned, irrelevant.  
22 They may not be irrelevant to the  
23 Jury, the ultimate trier of fact  
24 in this case, because certainly the  
25 Jury can consider Perry Raymond

1 Russo's appreciation of the gravity  
2 of the conversation, but at this  
3 particular time as a matter of law  
4 the Court must decide whether or not  
5 a prima facie case hadn't been made  
6 out.

7 I feel, as I suggested at the outset,  
8 the Court has already made this  
9 decision.

10 There is only one thing wrong with Mr.  
11 Dymond's argument about this con-  
12 versation being a bull session: He  
13 seems to overlook the fact that one  
14 of the parties in this conversation  
15 which he has termed a bull session,  
16 which admittedly the State's witness  
17 termed a bull session, was Lee  
18 Harvey Oswald, who was present, by  
19 the testimony of the State's wit-  
20 nesses, in the Texas School Book  
21 Depository shortly before or cer-  
22 tainly on the same morning that the  
23 President of the United States was  
24 gunned down in Texas. Additionally,  
25 the trip to the West Coast in and of

1           itself, as I explained to the Jury,  
2           is an innocuous thing. The physical  
3           transportation to the West Coast in  
4           and of itself is innocent. However,  
5           recalling the testimony, the undis-  
6           puted testimony, of Perry Russo that  
7           the Defendant said he would be on  
8           the Coast and in the public eye at  
9           this time in order to establish an  
10          alibi, raises this trip to a much  
11          more serious level. Again, it  
12          corroborates Perry Russo's recall  
13          on the agreement or combination or  
14          the words spoken between the alleged  
15          conspirators. In addition to that,  
16          the trip of David Ferrie again  
17          establishes and corroborates what  
18          was said during the course of this  
19          conspiratorial meeting.

20               The Court well knows that Perry Russo's  
21               personal appreciation of what  
22               transpired at that meeting or what  
23               was the ultimate or serious intent  
24               of the alleged persons who were  
25               conspiring, is not material at this

1 point. As pointed out, it may be  
2 material later on.

3 Again, we are talking about -- and Mr.

4 Dymond brought this out -- a meeting  
5 of the minds. Now, a meeting of the  
6 minds can be demonstrated in many  
7 ways, not just verbally. A meeting  
8 of the minds can be demonstrated in  
9 the physical action of the persons  
10 who allegedly had the meeting of the  
11 minds.

12 Additionally, I call to the Court's  
13 attention -- and I believe I am  
14 correct, and I am sure the Court  
15 will recall -- that Perry Russo  
16 under cross-examination testified  
17 that he was not there the entire  
18 time that this conversation was  
19 taking place between Lee Harvey  
20 Oswald, the Defendant, and David  
21 Ferrie. He did report to this  
22 Court those elements that he did  
23 hear, and those elements were con-  
24 firmed when Lee Harvey Oswald was  
25 found at the scene of the killing

1 of the President of the United  
2 States, and the two trips taken in  
3 complete accord with the agreement  
4 or combination reached in David  
5 Ferrie's apartment.

6 The only evidence we have to the overt  
7 acts as to the conversation again  
8 is Perry Raymond Russo. Again he  
9 has not been destroyed as Mr. Dymond  
10 announced he would do in his opening  
11 statement. He cross-examined him  
12 for a day and a half and now wants  
13 the Court to believe Perry Raymond  
14 Russo, because Perry Raymond Russo  
15 characterized this conversation as  
16 a bull session. On one hand, he  
17 wants you to believe him because he  
18 characterized it as a bull session;  
19 on the other hand he wants you to  
20 disbelieve it because the State has  
21 alleged that this conversation or  
22 part of this conversation or the  
23 refining of a plan were also overt  
24 acts in the commission of this crime.

25 The State simply feels, Your Honor, that

1 it has proven prima facie its  
2 case and feels that the Court has  
3 already ruled on this motion in its  
4 ruling on an evidentiary matter  
5 earlier in this case, and respectfully  
6 asks the Court to deny this motion  
7 for a directed verdict and allow the  
8 case to go to the Jury, the trier of  
9 fact, and let them put their stamp,  
10 let them put their appreciation on  
11 the nature of this conversation and  
12 the evidence that has been adduced  
13 during the State's case. Thank you.

14 MR. DYMOND:

15 If the Court please, Mr. Alcock has  
16 stated that I have asked you to  
17 believe Perry Raymond Russo. In  
18 one respect that may be so, but let  
19 me state that if you do not believe  
20 Perry Raymond Russo, there is no  
21 question but that the entire case  
22 falls.

23 Secondly, we might touch upon the credi-  
24 bility of Perry Raymond Russo, we  
25 might ask Your Honor to remember



1 his having admitted not on one but  
2 more than one occasion subsequent  
3 to his having made his report to  
4 the District Attorney's office, that  
5 he was not sure at all whether Clay  
6 Shaw attended this meeting.

7 We might also point out to the Court the  
8 Defense contention, which I feel at  
9 this point has been very well estab-  
10 lished, that in Baton Rouge when  
11 Russo first spoke with Mr. Sciambra,  
12 before he had an opportunity to  
13 speak with representatives of the  
14 State, to by their very questions  
15 know what they wanted, to read the  
16 newspapers in connection with this  
17 matter, made no mention whatsoever  
18 of any alleged conspiratorial meet-  
19 ing.

20 I would like to get on now, Your Honor,  
21 to the remark by the State that the  
22 very significant thing as to the  
23 seriousness of the meeting on  
24 Louisiana Avenue Parkway, if one  
25 did take place, is that Lee Harvey

Oswald happened to be working right in Dealey Plaza on Elm Street when the assassination parade (sic) went by. In that connection I would like to respectfully refer Your Honor to the testimony of a State witness, once again a person whose credibility is vouched for by the State, that is, the young man who was a co-worker of Lee Harvey Oswald in the Texas School Book Depository, the young man who rode him back and forth on weekends between Dallas and Irving, Texas. If Your Honor will recall, this witness testified that the Texas School Book Depository Company had two warehouses, one on Elm Street and the other one some two and a half blocks away not fronting on Elm Street, and that when Lee Harvey Oswald got his job at the Depository, which was well in advance of the planning of the trip to Dallas and the parade route, that it was by pure chance that Lee Harvey Oswald was

1 assigned to the Depository fronting 45  
2 on Elm Street rather than the other  
3 Depository building. We submit,  
4 Your Honor, that this casts an  
5 entirely different light on just how  
6 much the presence of Lee Harvey  
7 Oswald in a job on Elm Street adds  
8 to the seriousness of the alleged  
9 meeting on Louisiana Avenue Parkway.

10 Now, if the, Court please, the State has  
11 attempted to make capital of that  
12 portion of Russo's testimony which  
13 for the first time enlightened us  
14 as to the fact that he had been in  
15 and out of the apartment there on  
16 Louisiana Avenue Parkway during the  
17 time that these people were allegedly  
18 present. In this connection we  
19 merely submit to the Court that no  
20 one, Your Honor, no jury, no one can  
21 presume that something took place  
22 in that meeting while Russo was not  
23 there, in the absence of any testi-  
24 mony as to something having taken  
25 place, and that is really what the

1 State is asking you to do in that  
2 connection.

3 So, Your Honor, once again we urge that  
4 the case has not been made out here,  
5 a prima facie case has not been  
6 proven. The elements of the crime  
7 are lacking, and if there is any  
8 doubt in the Court's mind, we  
9 respectfully request that Your Honor  
10 take this under advisement, study  
11 the alleged overt acts, study the  
12 indictment, and we feel certain that  
13 Your Honor will conclude that a case  
14 has not been proven.

15 MR. ALCOCK:

16 Your Honor, I would just like to briefly--

17 THE COURT:

18 I will be glad to hear you.

19 MR. ALCOCK:

20 -- reply on one point where I feel Mr.

21 Dymond has gone completely outside  
22 of the record. There is no testi-  
23 mony whatsoever to substantiate his  
24 position, and that is, that Lee  
25 Harvey Oswald's position in the

1 warehouse that was positioned at  
2 the intersection of Elm and Houston  
3 Streets in the city of Dallas, Texas,  
4 was by mere chance. Mr. Frazier  
5 testified that he was assigned to  
6 their; he did not testify that he  
7 was present when Lee Harvey Oswald  
8 was given his job. Mr. Truly did  
9 not testify, and I think it was his  
10 testimony that it was from Mr. Truly  
11 that he got his job, and by infer-  
12 ence we may assume that Lee Harvey  
13 Oswald got his job from Mr. Truly.  
14 I feel that Defense Counsel in this  
15 matter has gone completely outside  
16 the record. There is absolutely no  
17 evidence to show it was by happen-  
18 stance or accident that Lee Harvey  
19 Oswald was assigned to this warehouse  
20 rather than the one two blocks down.  
21 I just call that to the Court's attention,  
22 and I feel that rather than belabor-  
23 ing the individual points and my  
24 appreciation of the testimony and  
25 Mr. Dymond's appreciation, again I

1 recall to the Court that the State  
2 feels that the Court has already  
3 ruled on this matter by its ruling  
4 on the evidence adduced subsequent  
5 to this meeting, and ask that this  
6 Court deny this motion.

7 MR. DYMOND:

8 Your Honor, briefly, I don't pretend to  
9 be infallible in recalling what was  
10 testified to on that point, and I  
11 am sure Mr. Alcock doesn't either,  
12 and we will in that connection ask  
13 that in taking this matter under  
14 advisement Your Honor ask the court  
15 reporter specifically what was asked  
16 of this witness at that time and  
17 what the answer is.

18 THE COURT:

19 I made voluminous notes, I have three  
20 notebooks that I filled up myself.  
21 Mr. Sullivan, get me the Shaw files, and  
22 I am going to take a recess until  
23 quarter to eleven. Bring those  
24 files to my office, and I would like  
25 to see the court reporter in my

1 office.

2 I will recess until quarter to eleven.

3 (Whereupon, a brief recess was taken.)

4 AFTER THE RECESS:

5 THE COURT:

6 I have had a conference in my chambers  
7 with the State and Defense Counsel,  
8 and because I am going to excuse the  
9 Jury the rest of the day in order  
10 to facilitate Counsel in lining up  
11 their witnesses -- as they have  
12 stated, the State and the Defense  
13 have a logistics problem of getting  
14 people here from out of the city and  
15 out of the state, so I was going to  
16 grant that request even before the  
17 motion for a directed verdict came  
18 up. Since the Jury will be excused  
19 the rest of the day, I am going to  
20 use the intervening time to read the  
21 entire testimony of Perry Raymond  
22 Russo. I have been supplied by  
23 Defense Counsel with a verbatim  
24 transcript of Perry Raymond Russo's  
25 testimony of the first day, which I

1 have in my possession at this time,  
2 and Mrs. Dietrich and her firm will  
3 give me this afternoon, late this  
4 afternoon, the remaining portion of  
5 Mr. Perry Raymond Russo's verbatim  
6 testimony. I intend to read both  
7 transcripts, or the entire Perry  
8 Raymond Russo testimony, and I will  
9 then make my decision tomorrow  
10 morning at 9:00 o'clock on the motion  
11 for a directed verdict.

12 I just wanted that to go into the record.  
13 Now we are going to bring the Jury down,  
14 please.

15 (Whereupon, the Jury returned to the  
16 courtroom.)

17 THE COURT:

18 Gentlemen of the Jury, before we started  
19 to take testimony in the case, I was  
20 requested by both the State and the  
21 Defense, because of the problem of  
22 securing witnesses from out of the  
23 city and out of the state, under-  
24 standing the expense of putting them  
25 up at hotels and what-have-you, they



do need time to align their witnesses to get them here from wherever they are, so I did it for the State in the beginning upon their request, and I am going to do it for the Defense upon their request. So we are going to recess the trial at this moment until tomorrow morning at 9:00 o'clock.

Again, as I have so many times, I admonish you not to discuss the case amongst yourselves or with any other person until such time as it is given to you for your verdict.

(Jury excused.)

THE COURT:

Mr. Shaw, you are released under your same bond, sir.

We stand adjourned until tomorrow morning at 9:00 a.m.

. . . . Thereupon, at 11:30 o'clock a.m., the proceedings herein were adjourned to 9:00 o'clock a.m. on Friday, February 21, 1969. . . .

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IDENTIFICATION FORM

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OSWALD, MARINA

OSWALD, LEE, POST RUSSIAN PERIOD

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PARISH OF ORLEANS

STATE OF LOUISIANA

.....  
STATE OF LOUISIANA

198-059

VERSUS

1426(30)

CLAY L. SHAW  
.....

SECTION "C"

PROCEEDINGS IN OPEN COURT,  
FRIDAY, FEBRUARY 21, 1969

HELEN R. DIETRICH,  
Reporter.

002031

B E F O R E : THE HONORABLE EDWARD A. HAGGERTY, JR.,  
JUDGE, SECTION "C"

Dietrich & Pickett, Inc.  
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Document I.D. Shaw trial proceedings Vol. 27

INDEX

MARINA Oswald Bates

COPY TO

Robert Blakey  
Gary Cornwell  
Kenneth Klein  
Charlie Mathews  
Jim Wolf  
Donovan Gay  
Jackie Hess  
Cliff Fenton

Team #1

Team #2

Team #3

Team #4

Team #5

Form #2

SHAW TRIAL PROCEEDINGS  
VOL. 27

Reference copy, JFK Collection: HSCA (RG 233)

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## STATE OF LOUISIANA

SECTION "C"

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130-522-3111

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>
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Marina Oswald Porter	5	
	116	46

E X H I B I T S

<u>EXHIBIT NO.</u>	<u>IDENT.</u>	<u>OFFERED</u>	<u>REC'D.</u>
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D-20	11	115	116
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1 . . . . Pursuant to the adjournment, the  
2 proceedings herein were resumed at 9:05  
3 o'clock a.m. on Friday, February 21, 1969. . . .

4 THE COURT:

5 I am going to make a ruling out of the  
6 presence of the Jury. I think my  
7 ruling should be made out of the  
8 presence of the Jury.

9 Now, let me make one preliminary state-  
10 ment. Mr. Reed asked me no matter  
11 what my decision was would I take a  
12 five-minute recess afterwards. So  
13 that we won't have a mad rush for  
14 the door, I will grant that recess.

15 The motion for a directed verdict is  
16 denied.

17 I will take a five-minute recess.

18 (Whereupon, a brief recess was taken.)

19 AFTER THE RECESS:

20 THE COURT:

21 I don't know whether you wish to reserve  
22 a bill, Mr. Dymond. If you do, it  
23 should be in the presence of the  
24 Jury.

25 MR. DYMOND:



1 I would like to do it in detail and

3

2 then renew it when they come in.

3 THE COURT:

4 All right.

5 MR. DYMOND:

6 The Defense would like to lodge a formal  
7 objection and reserve a bill of  
8 exception to the ruling of the Trial  
9 Court in overruling the motion for a  
10 directed verdict which was filed at  
11 the close of the State's case, making  
12 parts thereof the entire record and  
13 all the testimony up to the time of  
14 the filing of the motion, together  
15 with the ruling of the Court in over-  
16 ruling said motion, all parts of the  
17 bill.

18 THE COURT:

19 All right. Bring in the Jury.

20 (Jury returned to the box.)

21 THE COURT:

22 Are the State and the Defense ready to  
23 proceed?

24 MR. DYMOND:

25 We are ready.

1 MR. ALCOCK:

2 The State is ready.

3 THE COURT:

4 I think the first thing you want to do  
5 is renew your objection.

6 MR. DYMOND:

7 If the Court please, at this time in the  
8 presence of the Jury I would like  
9 to reserve a bill of exception to  
10 the ruling of the Trial Court in  
11 overruling the motion filed yesterday  
12 by the Defense, making parts of the  
13 bill, the motion itself, the entire  
14 record and testimony up until this  
15 time, and the ruling of the Court,  
16 parts of the bill.

17 THE COURT:

18 Very well.

19 The State has rested and the Defense  
20 may proceed with its case.

21 MR. DYMOND:

22 Will you please call Mrs. Marina Oswald  
23 Porter.

24 THE COURT:

25 Sheriff, call the witness, please.

1 MRS. MARINA OSWALD PORTER,  
2 a witness called by and on behalf of the Defense,  
3 having been first duly sworn, was examined and  
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MR. DYMOND:

7 Q Mrs. Porter, if you will talk right into the  
8 end of that microphone, I don't think  
9 anyone will have any trouble hearing you.  
10 Now, for the record, are you Mrs. Marina  
11 Oswald Porter?

12 A Yes, I am, sir.

13 Q Mrs. Porter, are you the widow of the late  
14 Lee Harvey Oswald?

15 A Yes, I am.

16 Q Are you presently remarried?

17 A Yes, sir.

18 Q To whom are you married at this time?

19 A To Kenneth Jess Porter.

20 Q And where are you residing?

21 A We are living in Richardson, Texas.

22 Q Regency, Texas?

23 A No, Richardson, Texas.

24 Q I see. Do you have any children by Lee Harvey  
25 Oswald?

1 A Yes, I have two children, two girls.

2 Q Two girls. What are their ages at this time?

3 A June, she is seven years old now, and Rachel  
4 is five years old.

5 Q I see. Do you have any children by your  
6 marriage to Mr. Kenneth Porter?

7 A Yes, I have a son, by name, Mike.

8 Q One child?

9 A Yes.

10 Q Now, Mrs. Porter, referring back to the year  
11 1963, approximately when did you and your  
12 then husband Lee Harvey Oswald move to  
13 the city of New Orleans?

14 A I recall we moved to New Orleans in May.

15 Q In May?

16 A Of 1963.

17 Q I see. And from where did you move?

18 A From Dallas, Texas.

19 Q I see. Now, when you and your husband moved  
20 here in May of 1963, did you have a child  
21 then?

22 A Yes, I had one child and I expected another  
23 one.

24 Q You had one child and were expecting another  
25 one?

1 A (The witness nodded affirmatively.) 7  
2 Q Now, did you and Lee Harvey Oswald come to  
3 New Orleans in May of 1963 together or  
4 separately?  
5 A We came separately.  
6 Q You came separately. Who came first?  
7 A Lee came here first to find a job and a place  
8 to stay.  
9 Q I see.  
10 A And then I moved down.  
11 Q Approximately how long after Lee Oswald came  
12 to New Orleans did you follow him, that  
13 is, come here yourself?  
14 A About a week's time.  
15 Q About a week?  
16 A I would say.  
17 Q Now, when you arrived here yourself in May of  
18 1963, had Lee Harvey Oswald located a  
19 place for you and him to stay?  
20 A A place already had been rented for us, he  
21 had already rented a place.  
22 Q He had already rented a place?  
23 A Yes, sir.  
24 Q And where was that place?  
25 A It was 4905 Magazine Street in New Orleans.

1 Q Try to speak just a little bit louder, I 8  
2 am afraid the Jury may have trouble  
3 hearing you.  
4 A All right.  
5 Q You say 4905 Magazine Street?  
6 A I am not sure, 4905 or 4907.  
7 Q I see. And who was the landlord and landlady  
8 at that address, Mrs. Porter?  
9 A I don't know their names, sir.  
10 Q You don't know their names?  
11 A No.  
12 Q Did you ever know their names?  
13 A Not then, not during the time I was living  
14 in this place.  
15 Q I see. Have you since learned their names?  
16 A I don't recall right now.  
17 Q You don't recall. I see. Now, during the  
18 time that you and Lee Harvey Oswald lived  
19 here in New Orleans on Magazine Street,  
20 was he employed, Mrs. Porter?  
21 A Yes, he was.  
22 Q Where was he employed?  
23 A I don't know the name of this coffee company.  
24 Q At a coffee company?  
25 A Yes.

1 Q Did he already have that job when you got 9  
2 here, or did he get it after you got here?  
3 A He already had the job then.  
4 Q He already had the job?  
5 A Yes, sir, or he had very shortly after.  
6 Q You say he either already had it or he got  
7 it very shortly after?  
8 A Yes, sir.  
9 Q I see. Now, while he had that job at Reily  
10 Coffee Company, approximately what were  
11 his working hours, that is, about what  
12 time in the morning did he go to work  
13 and about what time did he get home?  
14 A Oh, about from 8:00 o'clock I think till  
15 5:00 or 5:30.  
16 Q And how did he ordinarily get to work?  
17 A I didn't hear you, sir.  
18 Q How did he get to work, that is, what means  
19 of transportation?  
20 A By bus.  
21 Q By bus?  
22 A Yes.  
23 Q And how did he return home?  
24 A The same way.  
25 Q Did you and he ever own an automobile here in

1 New Orleans?

2 A No, sir.

3 Q Did you and he ever own an automobile during  
4 the entire time that you were married  
5 to Lee Oswald?

6 A No, we never owned an automobile.

7 Q To your knowledge, while you were living here  
8 in New Orleans, was he able to drive an  
9 automobile?

10 A No, he wasn't, no. I don't know, I never  
11 have seen him drive an automobile.

12 Q You never have seen him drive an automobile?

13 A Not as far as I know.

14 Q Did you know how to drive an automobile when  
15 you were living here in New Orleans?

16 A No. I still don't.

17 Q You still don't?

18 A No.

19 Q Now, during the time that you were living here  
20 in New Orleans with Lee Harvey Oswald,  
21 did you ever know him to wear a beard?

22 A No, sir.

23 Q Did he or did he not shave regularly?

24 A Not every day, but he never had any beard at  
25 all.



1 MR. DYMOND:

2 What is our next number?

3 MR. SULLIVAN:

4 Twenty.

5 BY MR. DYMOND:

6 Q (Exhibiting photograph to witness) Mrs. Porter,  
7 I show you a photograph which has been  
8 marked for identification "D-20," and I  
9 ask you whether you are able to locate  
10 your late husband Lee Harvey Oswald in  
11 the photograph.

12 A (Indicating) He is here in the middle of this  
13 picture wearing a black sweater.  
14 (Whereupon, the document offered by  
15 Counsel was duly marked for identi-  
16 fication as "Exhibit D-20" and  
17 received in evidence.)

18 BY MR. DYMOND:

19 Q Would you kindly take this pen and put an  
20 "X" on the white portion of the photo-  
21 graph, if you will.

22 A (The witness complied.)

23 Q That portion, that shows Lee Harvey Oswald?

24 A Yes.

25 Q Now, Mrs. Porter, I ask you to look at that

1 photograph which you have identified as  
2 being one of Lee Harvey Oswald, and tell  
3 me whether you have ever seen him with  
4 more beard than is shown on him in that  
5 photograph.

6 A This is the most of the beard that I have  
7 ever seen on him.

8 Q You say that is the most beard that you have  
9 ever seen him with?

10 A Yes, sir.

11 Q Now, does that statement apply only to the  
12 time that you were living here in New  
13 Orleans with him, or during the entire  
14 time that you knew him?

15 A During all the entire time.

16 Q The entire time that you knew him?

17 A (The witness nodded affirmatively.)

18 Q Now, with respect to clothing, Mrs. Porter,  
19 did he ordinarily wear dirty clothing  
20 or clean clothing?

21 MR. ALCOCK:

22 Your Honor, object to leading questions.

23 A Clean clothes.

24 THE COURT:

25 I will permit the question. He was

leading up to it.

BY MR. DYMOND:

Q What was your answer, Mrs. Porter?

A He wore clean clothes.

Q He wore clean clothes. Now, with reference to when he was going out of the house, that is, going out in public you might say, did he have any unusual habits concerning his clothing?

A No, sir.

Q Would you say that he wore the same type clothing at home as he did when going out, or not?

MR. ALCOCK:

Object as leading.

THE COURT:

I will sustain the objection. It is leading. Would you rephrase your question.

MR. DYMOND:

All right.

BY MR. DYMOND:

Q Do you know of any difference in his habits with respect to clothing when he was going to stay home or when he was going

1 out in public?

2 A For example, if he had to go downtown, you  
3 know, he always changed clothes, he wore  
4 a fresh shirt or suit, or if he goes  
5 just to nearby, to the grocery, you know,  
6 little supermarket, he might wear slacks  
7 and T-shirt.

8 Q Now, these garments that he wore, what was  
9 their condition with respect to cleanli-  
10 ness or dirtiness?

11 A I don't recall them sloppy.

12 Q I didn't hear you.

13 A I don't recall them dirty.

14 Q You would not call them dirty, you say?

15 A No.

16 Q Approximately how many shirts did he have  
17 that you recall, Mrs. Porter?

18 A Not very many; he maybe have only two dress  
19 shirts.

20 Q One or two dress shirts?

21 A Yes, sir.

22 Q Now, Mrs. Porter, do you know what a beatnik  
23 or a hippie looks like?

24 A Yes, sir.

25 Q Did you ever see Lee Harvey Oswald in such

1 a condition as to resemble a beatnik  
2 or a hippie?

3 A No, sir.

4 Q Did he ever wear long hair?

5 A No.

6 Q What was ordinarily the condition of his hair?  
7 How was it kept?

8 A It was quite short.

9 Q Quite short?

10 A Yes, sir.

11 Q Uncombed or combed?

12 A There wasn't very much to comb. When he went  
13 out he combed his hair, yes, sir.

14 Q I see. Now, to your knowledge, Mrs. Porter,  
15 did Lee Harvey Oswald ever take a trip  
16 up to Clinton, Louisiana at any time  
17 while you and he were living here in  
18 New Orleans?

19 A Not that I know of.

20 Q Did you yourself ever go to Clinton, Louisiana?

21 A Never, sir.

22 Q Did you ever take the baby up there?

23 A No, sir.

24 Q Did anyone else to your knowledge ever take  
25 your baby up to Clinton, Louisiana?

1 A Nobody ever took baby away from me for any  
2 reason.

3 Q Now, until when did you and Lee Harvey Oswald  
4 live together here in New Orleans, that  
5 is, when did either one of you leave New  
6 Orleans permanently?

7 A I don't remember just now.

8 Q Just take your time.

9 A August.

10 Q What?

11 A I think I left on August 25 -- or was it  
12 September 25? It was August 25, I think.

13 Q About how long after you left New Orleans did  
14 Lee Harvey Oswald leave New Orleans?

15 A I don't know when he left New Orleans because  
16 I wasn't with him, but I saw him approxi-  
17 mately after seven or ten days.

18 Q About seven or ten days after what?

19 A After I left New Orleans.

20 Q After you left New Orleans?

21 A After I left New Orleans, yes.

22 Q I see. And you say you don't remember the  
23 exact date that either you or he left?

24 Is that right?

25 A No, sir.

1 Q Now, where did you see him for the next time  
2 after you left New Orleans, Mrs. Porter?

3 A Next time I saw him at Ruth Paine's house.

4 Q And where is Ruth Paine's house located?

5 A In Irving, Texas.

6 Q In Irving, Texas?

7 A Yes, sir.

8 Q Now, Mrs. Oswald, during the time that you  
9 and Lee Harvey Oswald were living here  
10 in New Orleans, did you ever know him  
11 to stay away from home for any period  
12 of time?

13 A Only once when he spent the night in jail.

14 Q Only once when he spent the night in jail?

15 A Yes, sir.

16 Q Do you remember the date or the approximate  
17 date of that?

18 A No, sir.

19 Q Do you recall any other nights that he was  
20 not at home during the period that you  
21 were living here?

22 A Not at all.

23 Q Now, did he work at the coffee company during  
24 the entire time that you and he were  
25 living here in New Orleans?

1 A No. I think he lost this job shortly before  
2 we left New Orleans, but I don't know  
3 the exact date.

4 Q You don't know the exact date?

5 A No.

6 Q Could you tell us about how long before you  
7 all left New Orleans he lost this job?

8 A No, I can't tell you.

9 Q You don't know exactly?

10 A No.

11 Q After he lost his job at the coffee company,  
12 was he away from home a great deal or  
13 did he stay around the house?

14 A He stayed around the house most of the time,  
15 and sometimes he went to the library or  
16 just to hunt for a job, that is all.

17 Q Where did he ordinarily spend his evenings?

18 A Home.

19 Q At home?

20 A Yes, sir.

21 Q Was the baby there at that time?

22 A Yes, sir.

23 Q And what did he ordinarily do when he was  
24 at home?

25 A Mostly he was reading.



- 1 Q Mostly reading?
- 2 A Yes.
- 3 Q Did he read a lot?
- 4 A Yes.
- 5 Q Now, Mrs. Porter, did you and Lee Harvey
- 6 Oswald have many friends here in New
- 7 Orleans, or not?
- 8 A No, sir. We have just his relatives.
- 9 Q What relatives are these that you --
- 10 A His aunt and uncle and their family, and
- 11 their children.
- 12 Q His aunt and uncle and what? I didn't hear
- 13 you.
- 14 A And their children.
- 15 Q And their children?
- 16 A Yes.
- 17 Q Now, what was the name of this aunt and uncle?
- 18 A Aunt Lily and -- I don't remember Uncle, I
- 19 don't remember his name. It was hard
- 20 for me to pronounce then, so I never
- 21 learned his name, but the last name
- 22 was Murat.
- 23 Q Murat?
- 24 A Yes.
- 25 Q Would you know how to spell that?

- 1 A No.
- 2 Q You don't know. Did you ever take any trip
- 3 or trips with the Murats?
- 4 A Yes. We went to Mobile, Alabama, Alabama or --
- 5 Q Mobile, Alabama?
- 6 A Yes.
- 7 Q How many times?
- 8 A Once.
- 9 Q Did you ever take any other trips while you
- 10 were living here?
- 11 A No, sir.
- 12 Q You never did?
- 13 A (The witness shook her head negatively.)
- 14 Q Do you recall approximately how long before
- 15 you left New Orleans you all took this
- 16 trip to Alabama, Mobile, Alabama?
- 17 A No, I don't remember, sir.
- 18 Q Did you and he ever visit at any home here
- 19 in New Orleans other than the Murat's?
- 20 A I don't think so. Anyhow, I never visited
- 21 with him.
- 22 Q You never visited with him?
- 23 A And he never told me he visit somebody else.
- 24 Q Was he absent from home any night when he
- 25 might have been visiting with someone

1                   else?

2       A       No.

3       Q       Was he always home?

4       A       What did you say?

5       Q       Was he at home at night all the time?

6       A       Yes, sir.

7       Q       Did any friends other than the Murats ever

8                   visit you and Lee Harvey Oswald at the

9                   address on Magazine?

10      A       No. Once friends of Ruth Paine visit us.

11      Q       Some friend of Ruth Paine's?

12      A       Yes, some lady with children, and that is all.

13      Q       A lady with children, you say?

14      A       (The witness nodded affirmatively.)

15      Q       Do you recall their names or not?

16      A       No, sir.

17      Q       Did any men ever visit you there?

18      A       No.

19      Q       Now, during the time that you were living here

20                   in New Orleans did you ever know or were

21                   you familiar with the name, Clay Shaw?

22      A       No, sir.

23      Q       When was the first time that you ever heard

24                   that name?

25      A       When this trial began.

1 Q When this case began?

2 A Yes.

3 Q Had you ever heard the name, Clay Bertrand?

4 A No, sir.

5 Q Had you ever heard the name, Clem Bertrand?

6 A No, sir.

7 Q When was the first time that you heard those  
8 two Bertrand names?

9 A From the newspapers when all this news broke.

10 Q I see. Had you ever heard the name, David W.  
11 Ferrie --

12 A No, sir.

13 Q -- or Dave Ferrie?

14 A No, sir.

15 Q To your knowledge, do you know any individual  
16 by the name of Dave Ferrie?

17 A No.

18 Q To your knowledge, did your late husband, Lee  
19 Harvey Oswald, know a man by the name of  
20 David Ferrie?

21 A No, I don't know that.

22 MR. DYMOND:

23 Mr. Sullivan, may I have the photograph  
24 of Ferrie?

25 (Document handed to Counsel.)

1 BY MR. DYMOND:

2 Q (Exhibiting photograph to witness) Mrs. Porter,

3 I show you a photograph which has been  
4 marked for identification "State-3," and  
5 I ask you whether to your knowledge you  
6 have ever seen the person depicted in  
7 this photograph before?

8 A No, sir.

9 MR. WILLIAM WEGMANN:

10 I can't hear you.

11 THE WITNESS:

12 No, sir.

13 BY MR. DYMOND:

14 Q Does he look familiar to you at all?

15 A No.

16 Q (Exhibiting photograph to witness) Now, Mrs.  
17 Porter, I show you another photograph  
18 which has been marked for identification  
19 "State-8," which has been identified as  
20 a photograph of Dave Ferrie, and I ask  
21 you whether you have ever seen this man  
22 before?

23 A No.

24 MR. WILLIAM WEGMANN:

25 You have to speak into the microphone.

1 THE WITNESS:

24

2 No, sir.

3 BY MR. DYMOND:

4 Q (Exhibiting photograph to witness) I show you  
5 another photograph marked for identifi-  
6 cation "State-10," which also purports  
7 to be a photograph of David Ferrie, and  
8 I ask you whether you have seen him  
9 before?

10 A No, sir.

11 Q Now, Mrs. Porter, during the time that you  
12 were married to Lee Harvey Oswald, did  
13 you ever know, or to your knowledge did  
14 he know, a person by the name of Sandra  
15 Moffett?

16 A No, sir.

17 Q I am going to read some other names, and the  
18 same question applies to all these names.  
19 Niels Peterson, also known as Lefty  
20 Peterson?

21 A No, sir.

22 Q Layton Martins?

23 A No, sir.

24 Q Alvin Beaubeouf?

25 A No, sir.

1 Q Melvin Coffey?

2 A No, sir.

3 Q Al Landry?

4 A No, sir.

5 Q James Llewellyn?

6 A No.

7 Q Are any of those names familiar to you?

8 A Not at all.

9 Q Is the name, Perry Raymond Russo, familiar  
10 to you?

11 A No, sir.

12 Q To your knowledge, did you ever know him, or  
13 did your late husband ever know him?

14 A No.

15 Q I will also ask the same about Perry Russo,  
16 leaving the "Raymond" out of it.

17 A I never heard his name before.

18 Q Never heard it?

19 A No.

20 Q Now, Mrs. Porter, to your knowledge, what if  
21 any other names did Lee Harvey Oswald  
22 use other than Lee Harvey Oswald? Did  
23 he go by any other names at any time to  
24 your knowledge?

25 A Yes, sir.

1 Q Would you please tell us what these names  
2 were?

3 A He signed signature some kind of papers with  
4 the name, Haydel or Hydel.

5 Q Hydel?

6 A Yes, sir.

7 THE COURT:

8 Let me interrupt you a second. Can the  
9 Gentlemen of the Jury hear the  
10 witness?

11 A JUROR:

12 Not too good.

13 THE COURT:

14 Can you speak into the microphone?

15 THE WITNESS:

16 O.K., sir.

17 BY MR. DYMOND:

18 Q Now, other than the name, Hydel, do you know  
19 of any other name that he used?

20 A Not at the time I was married to him.

21 Q Well, at any other time?

22 A Later I find out he rent apartment under  
23 another name.

24 Q And what was that name, if you know?

25 A I don't remember right now, sir.



1 Q Did you ever know him to use the name, Leon  
2 Oswald?

3 A No, I don't know about that.

4 Q Is that name familiar to you, Leon Oswald?

5 A No, sir.

6 Q Was he ever known as, or did he ever use the  
7 name, Harvey Oswald, that is, leaving  
8 the Lee off of it?

9 A I don't know about that, sir.

10 Q To your knowledge, did he ever do that?

11 A No.

12 Q Now, Mrs. Porter, when you say "I don't know  
13 about that," what do you mean by that?  
14 Like when I asked you, did he use the  
15 name Harvey Oswald, would you say he did  
16 or did not use the name?

17 A Maybe he used somewhere, you know, but I never  
18 heard it or never have seen him using  
19 this name.

20 Q To your knowledge, you do not know about it?

21 A To my knowledge, right.

22 Q Now, during the time that you and Lee Harvey  
23 Oswald were living at the Magazine Street  
24 address here in New Orleans, to your  
25 knowledge did he at any time live some

1 place else?

2 A No, sir.

3 Q To your knowledge, where did he live during  
4 the entire time that he was here in New  
5 Orleans?

6 A At the same address I lived on Magazine Street.

7 Q You and he never separated while you were in  
8 New Orleans, that is, broke up your  
9 marriage?

10 A No, sir.

11 Q To your knowledge, was he rooming with anyone  
12 else or sharing an apartment with anyone  
13 else while you and he were living in New  
14 Orleans?

15 A No.

16 Q Never was. Now, Mrs. Porter, were you aware  
17 of the fact that Lee Harvey Oswald had  
18 any rifle while he was here in New Orleans?

19 A Yes, sir, I knew about that.

20 Q You knew about that?

21 A Yes, sir.

22 Q Do you think you would recognize the type of  
23 rifle that he had if I showed it to you?

24 A No, I don't think I would.

25 Q You would not?

1 A No.

2 MR. DYMOND:

3 Where is the rifle, Mr. Sullivan?

4 THE CLERK:

5 Down in the property room.

6 THE COURT:

7 Sheriff, get it.

8 You may proceed. --

9 BY MR. DYMOND:

10 Q Now, Mrs. Porter, while you and Lee Harvey  
11 Oswald were living on Magazine Street,  
12 did anyone ever come there and pick him  
13 up or pick you up or pick both of you up  
14 in an automobile?

15 A Only the Murats.

16 Q Only the --

17 A -- Aunt and Uncle, the Murats.

18 Q Only the Murats?

19 A Yes, sir.

20 Q Do you remember what type of automobile the  
21 Murats had at that time?

22 A No. Could be his cousin, too, but he was  
23 Murats' son.

24 Q I didn't hear you.

25 A Maybe Lee's cousin, you know, the son of the

1 Murats.

30

2 Q Yes.

3 A He could come, but other than that I can't  
4 say for --

5 Q You don't know what kind of car?

6 A Can't say for sure.

7 Q (Exhibiting photograph to witness) Mrs. Porter,  
8 I show you a photograph of an automobile,  
9 which has been marked for identification  
10 "State-2," and I ask you whether that  
11 looks like the Murats' automobile.

12 A I can't say this, sir.

13 Q You don't know?

14 A No.

15 Q Do you recall what color the Murats' auto-  
16 mobile was?

17 A I don't remember, no.

18 Q How many times did you ride in that car,  
19 about?

20 A Two or three times, maybe.

21 Q Two or three times. Did anyone else ever  
22 pick Lee Harvey Oswald up in an auto-  
23 mobile from the Magazine Street address?

24 A No.

25 Q Did you and Lee Harvey Oswald ever own an

1 automobile?

2 A No, sir.

3 Q To your knowledge, did he ever own one  
4 individually?

5 A No.

6 Q To your knowledge, did he ever borrow an  
7 automobile?

8 A No.

9 Q Now, was Lee Harvey Oswald noncommittal or  
10 was he outspoken concerning his political  
11 views, Mrs. Porter? In other words, did  
12 he talk about them or did he not talk  
13 about that?

14 A He did not talk about it in the presence of  
15 me, not in hearing, not here, not in  
16 the United States.

17 Q Did you ever know him to make any public  
18 appearances or speeches concerning  
19 political views?

20 A One. I recall he made some kind of speech  
21 in Mobile, Alabama when he visited his  
22 cousin who was in seminary over there,  
23 but I don't know what it is all about  
24 because I didn't hear the speech.

25 Q I see.

1 A Then he has some kind of interview on the  
2 radio here in New Orleans.

3 Q I didn't catch that.

4 A He had some kind of interview on the radio  
5 here in New Orleans.

6 Q Here in New Orleans. I see. And that was  
7 while you and he were living here  
8 together, is that right?

9 A Yes, but I don't know if it was political  
10 speech or what, because at that time I  
11 didn't speak English and didn't under-  
12 stand.

13 Q You say at that time you did not speak any  
14 English?

15 A No, sir.

16 Q Now, when you left New Orleans, how did you  
17 leave?

18 A With Ruth Paine.

19 Q Now, where did Ruth Paine come from to get  
20 you?

21 A She came from Irving, Texas.

22 Q Did you and she leave right after she got here,  
23 or did she stay here any length of time  
24 before you all left?

25 A She stayed with us for maybe two or three,

1 two days or so, and then --

2 Q Was Ruth Paine alone or did she have someone  
3 else with her when she came here?

4 A She had children, two children with her.

5 THE COURT:

6 May I interrupt you a second? Bring it  
7 over to Mr. Dymond.

8 (Rifle produced and turned over to Mr. Dymond.)

9 BY MR. DYMOND:

10 Q I can't expect you to be exact on this, Mrs.  
11 Porter, but could you tell us approxi-  
12 mately what age the two Paine children  
13 appeared to be?

14 A Ruth Paine's children?

15 Q Yes.

16 A At that time I think they were four and two.

17 Q Four and two?

18 A Or five and three, something like that.

19 Q Now, what type of automobile did she come  
20 from Dallas in?

21 A She had a station wagon.

22 Q A station wagon. Do you recall what color  
23 it was?

24 A Some kind of light color.

25 Q A light color?

1 A Yes, sir.

2 Q Now, when you and Ruth Paine left to go to  
3 Dallas, who left with you in this station  
4 wagon, that is, who all went in it?

5 A It was Ruth and her two children, and me and  
6 the baby, June, that is all.

7 Q Did you go straight through from New Orleans  
8 to Dallas, or did you stop any place?

9 A We stopped overnight somewhere on the way to  
10 Dallas.

11 Q So I would take it you got to Dallas the  
12 following day then, is that right?

13 A Yes, yes, sir.

14 Q Now, upon getting to Dallas with Ruth Paine,  
15 where did you go to live?

16 A Oh, I stayed with Ruth Paine at her apartment,  
17 I mean at her house in Irving, Texas.

18 Q In Irving, Texas?

19 A Yes.

20 I want to make correction, sir. Before I  
21 said, went to Dallas. We went to Irving,  
22 didn't go to Dallas.

23 Q Is Irving a suburb of Dallas?

24 A Yes, Irving is a suburb of Dallas.

25 Q About how far from Dallas, if you know?



- 1 A Don't know. Very close.
- 2 Q About how long does it take to drive from
- 3 Irving to Dallas, if you know?
- 4 A Fifteen to twenty minutes, something like
- 5 that.
- 6 Q Fifteen to twenty minutes?
- 7 A (The witness nodded affirmatively.)
- 8 Q Now, when you and Ruth Paine and your children
- 9 and her two children arrived in Dallas,
- 10 you say you went to Mrs. Paine's house?
- 11 A Yes, sir.
- 12 Q Did you go there to live at that time?
- 13 A What did you say?
- 14 Q Did you go there to live at that time?
- 15 A Yes, sir, I stayed with her.
- 16 Q And, as I understand it, your husband, Lee
- 17 Harvey Oswald, was not with you at that
- 18 time? Is that correct?
- 19 A No, he wasn't when we arrived.
- 20 Q Now, about how long after you got to Ruth
- 21 Paine's house in Irving, Texas did you --
- 22 A We left; a week or after a week or ten days,
- 23 he show up.
- 24 Q After a week or ten days he showed up?
- 25 A Yes. He called one morning and said he was

1                   there, spent the night YMCA or something  
2                   like that. I forget now if he come by  
3                   bus, you know, and Ruth picked him up  
4                   from the bus station or he took a taxi.  
5                   I don't remember.

6       Q       You don't remember which?

7       A       No, sir.

8       Q       Now, did he tell you where, if any place, he  
9                   had been after leaving New Orleans but  
10                  before getting to Irving, Texas?

11      A       He had went to Mexico.

12      Q       Did he tell you how long he had been in  
13                  Mexico?

14      A       No, he didn't.

15      Q       He did not?

16      A       No.

17      Q       Do you know how long he had been in Mexico?

18      A       No.

19      Q       (Exhibiting rifle to witness) Mrs. Porter,

20                  I show you a rifle which has been intro-  
21                  duced in evidence and marked for identi-  
22                  fication "State-18," and I ask you  
23                  whether that rifle looks familiar to you  
24                  or whether you recognize this type of  
25                  rifle.

1 A Sir, I am not expert in rifles so I couldn't  
2 say anything about this rifle. Just a  
3 rifle to me.

4 Q You wouldn't know anything about it?

5 A Yes, sir.

6 Q But you did testify that you knew he had a  
7 rifle, is that right?

8 A Yes, that is right.

9 Q Now, Mrs. Porter, with reference to the rifle  
10 which you say that you knew that Lee  
11 Harvey Oswald had, did you ever see that  
12 rifle while you were here in New Orleans?

13 A Not very close to it, you know. I was just  
14 passing by when he was cleaning rifle,  
15 or sometimes he was sitting on the porch,  
16 you know, with the rifle and I didn't  
17 bother about it.

18 Q Where was the rifle usually kept?

19 A In the closet.

20 Q In the closet?

21 A -- where he kept his clothes.

22 Q In the closet where he kept his clothes?

23 A Yes, sir.

24 Q Did you ever see him take that rifle off of  
25 the premises there at the Magazine Street

1 address, that is, out of the house and  
2 out of the yard?

3 A No, sir, I don't remember it, no, sir.

4 Q You don't remember ever having --

5 A No, sir.

6 Q Do you know how the rifle got to Texas if it  
7 got there?

8 A Lee was -- I expecting baby, so Lee was packing  
9 all the clothes, you know, so I don't  
10 know what he packed, you know. So later  
11 on after we stayed in Ruth's house -- no,  
12 I don't know about the rifle -- anyhow,  
13 I think first time I saw rifle was police  
14 arrived.

15 Q When the police arrived?

16 A Yes, sir.

17 Q Was that before or after the assassination of  
18 President Kennedy?

19 A After.

20 Q After?

21 A Yes.

22 Q Did you ever see the rifle between the time  
23 that you saw it in New Orleans and after  
24 the assassination when the police arrived?

25 A I don't remember right now, sir. I might

1                   have, you know, because I was looking  
2                   for the guns. I don't remember right  
3                   now.

4       Q       Did you ever see the rifle in Texas, in  
5                   Irving, Texas, before the police arrived?

6       A       I don't remember, sir.

7       Q       You don't remember seeing it?

8       A       No. I testify for Warren Commission what  
9                   actually did and when.

10      Q       Now, Mrs. Porter, did you ever know Lee Harvey  
11               Oswald to have any large sums of money?

12      A       No, I don't know about that, sir.

13      Q       Did you ever see him with a big roll of bills?

14      A       No.

15      Q       Did he ever give you much money?

16      A       No, sir.

17      Q       What is the most that he ever gave you?

18      A       Dollar.

19      Q       A dollar?

20      A       Yes, sir.

21      Q       Did you ever see any large sums of money  
22               around the house --

23      A       I never --

24      Q       -- on Magazine Street?

25      A       I never was looking, you know, in personal

1 belongings like his wallet or his  
2 closet where he kept his things. I  
3 don't know about that, sir.

4 Q Who ordinarily did the grocery shopping?

5 A Both of us, but he was -- you know, paid the  
6 bills and things like that. He took  
7 care of the money in the house anyhow.

8 Q Who paid the rent there on Magazine Street?

9 A He did.

10 Q Was that rent always kept up to date or did  
11 it ever get behind?

12 A I don't know, sir. I don't think he paid  
13 before we left New Orleans, I think he  
14 owed for two weeks or some amount, he  
15 didn't pay for two weeks, but later on  
16 when all this happened I pay when I  
17 find out, after all this happened.

18 Q Then I understand you to say that he didn't  
19 pay for the two weeks and you paid that  
20 later on?

21 A After all this happened, after assassination.

22 Q In other words, after the assassination, you  
23 paid it? Is that correct?

24 A Yes.

25 Q Now, in doing your shopping, Mrs. Porter,

1                   were you able to buy everything that  
2                   you wanted or did you have to be careful  
3                   about spending money?

4       A       I have to be very careful about it.

5       Q       To your knowledge, did Lee Harvey Oswald have  
6                   any bank accounts?

7       A       I don't know about that, sir. I don't think  
8                   he did.

9       Q       After his death, did you receive any money  
10                  from bank accounts which he might have  
11                  left?

12      A       No, sir.

13      Q       Did he leave any estate at all?

14      A       No, sir.

15      Q       Did you get the personal possessions of Lee  
16                  Harvey Oswald after his death?

17      A       No, sir, no.

18      Q       Do you know what happened to them?

19      A       They have been confiscated. I don't know  
20                  where they are or what happened with them.

21      Q       You did not get them? You say they were  
22                  confiscated?

23      A       Yes.

24      Q       Now, Mrs. Porter, where were you living on  
25                  November 22, 1963, which was the date

1 of the assassination?

2 A I was living with Ruth Paine in Irving.

3 Q And where were you, if you know, at the time  
4 of the assassination?

5 A I was in the house.

6 Q At that time were you able to speak English?

7 A No, sir.

8 Q How did you find out that the President had  
9 been assassinated?

10 A Ruth Paine told me.

11 Q Where was she at that time?

12 A She was watching television, sir. Part of  
13 the morning she was gone, she had appoint-  
14 ment with her daughter, some kind, and  
15 then came home maybe around 10:00 o'clock  
16 or 11:00 o'clock or something like that.

17 Q You say you and she were watching television?

18 A Yes, sir.

19 Q Do you know where Ruth Paine's automobile was  
20 at the time of the assassination?

21 A At home.

22 Q At home?

23 A Yes, sir.

24 Q Did she leave the house any time shortly  
25 after the assassination?



- 1 A No, sir.
- 2 Q Did the automobile leave the house any time
- 3 shortly after the assassination?
- 4 A No. We have been called to -- I mean shortly
- 5 after that the police came, but after
- 6 this I don't remember what happened, who
- 7 go where, you know.
- 8 Q You say shortly after the assassination the
- 9 police came?
- 10 A Yes.
- 11 Q Now, Mrs. Porter, after Lee Harvey Oswald got
- 12 to Dallas, that is, after he left New
- 13 Orleans, did he live in Ruth Paine's
- 14 house with you?
- 15 A After he left New Orleans?
- 16 Q Yes.
- 17 A Yes, sir, he came to visit us on weekends.
- 18 Q Do you know where he was living during the
- 19 week?
- 20 A He was renting place somewhere in Oak Cliff.
- 21 Q Is Oak Cliff a portion of Dallas?
- 22 A Yes, sir.
- 23 Q Did you see the place that he was renting at
- 24 Oak Cliff?
- 25 A No.

1 Q You have never been there?

2 A No, sir.

3 MR. DYMOND:

4 We tender the witness.

5 MR. ALCOCK:

6 Your Honor, would you like me to begin  
7 cross-examination at this time, or  
8 would the Court like to take a short  
9 recess?

10 THE COURT:

11 The Captain tells me we have some hot  
12 coffee now, so we will take a break  
13 at this time for fifteen minutes.

14 (Whereupon, a brief recess was taken.)

15 AFTER THE RECESS:

16 THE COURT:

17 Mr. Alcock, Mr. Dymond asked me during  
18 the recess if he could ask at least  
19 one or two more questions, and I  
20 told him yes.

21 You may proceed, Mr. Dymond.

22 BY MR. DYMOND:

23 Q Mrs. Porter, did you desire to make any  
24 correction in connection with the date  
25 on which you left New Orleans?

1 A Yes, sir, I have to correct myself. I left  
2 New Orleans in September, September 20  
3 or 23, or 21, one of those days, not in  
4 August.

5 Q That would be 1963?

6 A Yes, sir.

7 Q Now, Mrs. Porter, did you ever see this Defen-  
8 dant Shaw at the home on Magazine Street  
9 where you lived?

10 A No, sir. Today was the first time I saw him  
11 in person.

12 Q You say today was the first time that you ever  
13 saw him in person?

14 A Yes, sir.

15 Q Did any mail ever arrive at the Magazine Street  
16 address, to your knowledge, with a return  
17 address either "Clay Shaw" or "Clem  
18 Bertrand" or "Clay Bertrand"?

19 A No, sir. I just recall one incident: Once  
20 some men came, you know, and Lee went to  
21 the door, and he said it was men but he  
22 never saw them before or afterwards,  
23 probably, said, cover up FBI or some  
24 reporter, but that is all he said, but  
25 I didn't see him (sic).

1 Q To your knowledge, was any telegram ever  
2 received at the house from a Clay Shaw  
3 or Clem Bertrand or Clay Bertrand?

4 A No, sir.

5 Q Did you all have a telephone there at the  
6 house?

7 A No, sir.

8 Q You did not?

9 MR. DYMOND:

10 We tender the witness.

11 CROSS-EXAMINATION

12 BY MR. ALCOCK:

13 Q Mrs. Porter, can you tell us what refreshed  
14 your memory about the date that you left  
15 New Orleans, during this recess?

16 A I don't understand your question, sir.

17 Q Would you tell us why all of a sudden that  
18 you remembered you left New Orleans on  
19 September 25 rather than August 25, 1963?

20 A Because I was expecting baby and I knew it  
21 was short time enough. She was born  
22 shortly, she was born in October, so it  
23 is longer period between August and  
24 October than between September.

25 Q And this is the reason that you changed your

1 testimony?

2 A Yes, sir.

3 Q Did you talk to anybody during the recess  
4 about that testimony?

5 A What do you say, sir?

6 Q Did you talk to anybody during the recess  
7 about that testimony?

8 A Yes, this lawyer, Mr. Shaw, asked me if this  
9 was the correct date.

10 MR. DYMOND:

11 Not Mr. Shaw. You mean me.

12 BY MR. ALCOCK:

13 Q You spoke to Mr. Dymond? Is that correct?

14 A Yes, sir.

15 Q And did he correct you?

16 A He just remind me. After I gave testimony  
17 I remember myself --

18 Q I see.

19 A -- I make mistake.

20 Q Now, Mrs. Porter, did you have occasion to  
21 see Lee the night before the assassination?

22 A I saw him, sir, when he was in jail. I think  
23 it was next day after he was arrested.

24 Q Did you see him the night before the  
25 assassination? That would be a Thursday

1 night at Mrs. Paine's house.

2 A At Mrs. Paine's house?

3 Q Yes.

4 A No, sir.

5 Q You didn't see him the night before the

6 assassination?

7 A Oh, yes -- I am sorry -- I meant to say after.

8 Before, yes, sir, he was at the house.

9 Q Do you recall what time he arrived that night?

10 A No, I don't remember, sir, but it was right

11 after his job, after work.

12 Q I see. Was it usual that he came home on a

13 Thursday night?

14 A No, sir. I didn't expect him until weekend.

15 Q Was that the only Thursday night that he ever

16 came home on when he was living at Oak

17 Cliff and you were living in Irving?

18 A As far as I remember, sir.

19 Q Do you recall whether or not he went out that

20 night?

21 A No, he spend all evening at home.

22 Q Do you recall what he did?

23 A No, sir.

24 Q You don't recall what he did?

25 A No.

1 Q Now, had you purchased any curtain rods for  
2 him?

3 A No, sir.

4 Q Had he asked you to purchase any curtain rods  
5 for him?

6 A No, sir.

7 Q Did he mention that he had come home to get  
8 any curtain rods? -

9 A No.

10 Q Did you ever see any curtain rods in his  
11 possession on that night?

12 A No.

13 Q Did he ever mention to you that he was decor-  
14 ating his apartment in Dallas?

15 A No, sir.

16 Q To your knowledge, did Mrs. Paine give him any  
17 curtain rods on that night?

18 A No, sir.

19 Q Mrs. Porter, where was Lee's gun kept at the  
20 Paine home?

21 A In the garage with all -- where all our  
22 belongings were.

23 Q Was it wrapped in anything, or do you know?

24 A I don't remember now, sir.

25 Q Had you seen it at any time between the time

1                   that you returned to Dallas and the  
2                   night that we are now talking about,  
3                   that is, November 21, 1963?

4       A       I don't remember it now, sir.

5       Q       You don't remember whether you saw it or not?

6       A       I don't remember right now.

7       Q       All right. Do you recall what time Lee went  
8                   to bed that night?

9       A       No.

10      Q       Do you know whether it was before everyone  
11                   else or after everyone else?

12      A       After everyone else.

13      Q       After everyone else?

14      A       Yes.

15      Q       Were you awake in the morning when Lee left  
16                   for work on November 22, 1963?

17      A       I was awake but I didn't get up from the bed.  
18                   He told me just to stay there and go back  
19                   to sleep, he just do in the kitchen what-  
20                   ever he have to do, and that is all.

21      Q       At that time did he ask you for any curtain  
22                   rods?

23      A       No, sir.

24      Q       Did he mention any curtain rods?

25      A       No, sir.



1 Q Did you give him any curtain rods?

2 A No, sir.

3 Q To your knowledge, at that time did Mrs. Paine  
4 give him any curtain rods?

5 A I don't -- no, sir.

6 Q In your presence, did he ever ask Mrs. Paine  
7 for any curtain rods?

8 A No.

9 Q Do you know how he got to work that morning?

10 A No, sir, I don't know because I didn't see  
11 him leaving.

12 Q Do you know approximately what time he left?

13 A No. Might have been 8:00 o'clock or 7:30,  
14 I don't know.

15 THE COURT:

16 Did you hear the rest of that answer?

17 MR. ALCOCK:

18 No.

19 THE COURT:

20 Repeat it. Did you say 7:30?

21 A I don't remember.

22 THE COURT:

23 O.K.

24 BY MR. ALCOCK:

25 Q At any time the night before, did you see him

1 with any package about two or three feet  
2 long and about six inches wide?

3 A No, sir.

4 Q Did you ever see any wrapping paper around  
5 the Paine home?

6 A No, sir. Whatever Ruth had in garage, could  
7 have been brown paper, I don't know. I  
8 didn't look at it, it wasn't mine.

9 Q Did you see Lee at any time the night of the  
10 21st go into the Paine garage?

11 A Yes, he went a few times.

12 Q You saw him actually go into the garage?

13 A Yes.

14 Q How was entrance gained to the garage, by  
15 going outside or through the house?

16 A Through the house.

17 Q And what door would lead to the garage from  
18 the house?

19 A What did you say?

20 Q What door would lead from the house into the  
21 garage?

22 A I think one door from the outside and one  
23 from the den.

24 Q From the den?

25 A Yes, sir.

1 Q What door did Lee use when you saw him going  
2 into the garage?

3 A From the den.

4 Q From the den. Did you go into the garage with  
5 him at any time that night?

6 A No, sir.

7 Q Can you approximate for us how long he stayed  
8 in the garage on those occasions?

9 A Two, three minutes maybe. I have been busy  
10 with the baby so I don't know the time.

11 Q Did he ever bring anything from the garage  
12 into the house?

13 A No, sir.

14 Q Now, you have testified that after the  
15 assassination you saw Lee's rifle again?  
16 Is that your testimony? I think on direct  
17 examination you told Mr. Dymond that you  
18 saw Lee's rifle again after the assassin-  
19 ation when the police arrived. Is that  
20 correct or not correct?

21 A No, it is not correct.

22 Q It is not correct?

23 A Yes, sir. I made mistake. I was confused,  
24 I misunderstand the question.

25 Q I see. When did you next see the rifle?

1 A I don't recall, sir. Maybe they show me  
2 during all this testimony for the Warren  
3 Commission or something like that.

4 Q Did you ever see it around the Paine home  
5 again?

6 A No, sir.

7 Q Did you have occasion, Mrs. Porter, after the  
8 police arrived on the date of the assassin-  
9 ation, to go into the garage?

10 A Yes, sir.

11 Q And what did you do in the garage?

12 A The police asked me if Lee -- if my husband --  
13 MR. DYMOND:

14 Your Honor, we object to conversation by  
15 the police, that is, what they said.

16 THE COURT:

17 She was testifying to what Lee had told  
18 her.

19 MR. ALCOCK:

20 No, the police.

21 BY MR. ALCOCK:

22 Q Mrs. Porter, you can't say what the police  
23 told you, you can only say what you did  
24 or they did in your presence.

25 A Anyhow, they have been looking for a rifle

1 in the garage, and I showed them where  
2 all our things were, and they went over  
3 there and didn't find the rifle.

4 Q They didn't find the rifle?

5 A No, sir.

6 Q Had you seen the rifle at all in the garage?

7 A That day?

8 Q No, prior to that day, after coming from New  
9 Orleans.

10 A I don't remember, sir.

11 Q You don't remember?

12 A No.

13 Q Did you see any package --

14 A Yes.

15 Q -- that resembled a rifle in the garage?

16 A Big packages, sir, because our things from --  
17 the baby bed was wrapped like this and  
18 maybe other things.

19 Q Approximately how many packages were there?

20 A Maybe two or three. I didn't pack our belong-  
21 ings so I don't know what things were  
22 there.

23 Q Now, when you went to the garage with the  
24 police on that morning, did you unwrap  
25 the long packages?

1 A I think they did, did what they were supposed  
2 to do. I didn't do any.

3 Q Did you notice any long packages missing?

4 A No, sir. I know Lee was supposed to have a  
5 rifle, and they looked for it and they  
6 didn't find it.

7 Q Had you packed any curtain rods?

8 A No, sir.

9 Q Now, did you have occasion to speak to Lee  
10 in the police station in Dallas?

11 A Yes, sir.

12 Q How many times did you speak to him?

13 A Once.

14 Q Just one time?

15 A Yes, sir.

16 Q And approximately how long did you talk to  
17 him?

18 A Approximately five, ten minutes. I don't  
19 remember that.

20 Q Were you alone or with other --

21 A I was with my mother -- my mother-in-law.

22 Q Marguerite Oswald?

23 A Yes, sir.

24 Q What did Lee tell you at this time?

25 A It was a very casual conversation.

1 Q Well, what did he say?

2 A He told me not to worry about anything,

3 everything be all right.

4 Q Did he say everything would be all right?

5 A Yes, sir.

6 Q Did he explain that statement?

7 A I don't remember right now, sir, what he said.

8 Q Can you recall anything else he said?

9 A No, I don't remember now.

10 Q Did he admit to you that he shot the President  
11 of the United States?

12 A No, he never did. I never asked him.

13 Q Did he ever ask you anything about a lawyer?

14 THE COURT:

15 Did you hear her answer? You were about  
16 to ask a question and she said --

17 THE WITNESS:

18 I didn't ask him about it.

19 BY MR. ALCOCK:

20 Q All right. And I take it he didn't volunteer?

21 Is that correct?

22 A No.

23 Q Did he ask you anything about getting him an  
24 attorney?

25 A No, sir.

1 Q After your conversation with Lee at the police  
2 station, did you see him again alive?

3 A No, sir.

4 Q Where did you go after that?

5 A I don't remember, sir.

6 Q You don't remember where you went?

7 A No, I don't remember with whom I stayed or who  
8 was around me. I met some people there.  
9 I wouldn't remember right now.

10 Q Did you go back to Mrs. Paine's home?

11 A This evening I was at Ruth Paine's house, but  
12 the day I visit Lee in jail --

13 Q You went back to Mrs. Paine's?

14 A Yes. No. I don't know, sir. Can you scratch  
15 this answer? I don't remember whether I  
16 went back to Mrs. Paine's.

17 Q I realize it is a long time ago. I am not  
18 trying to pressure you.

19 A I know.

20 Q I am asking if you recall going back to Ruth  
21 Paine's home or not.

22 A I don't think so, sir, because I remember  
23 staying some kind of hotel with some  
24 strange people around, so I don't know  
25 when it was.



1 Q Six Flags?

2 A Yes, sir.

3 Q Is that in Dallas, Texas?

4 A Yes, sir, it is a part of Dallas.

5 Q And who took you there, do you recall?

6 A I think it was Secret Service.

7 Q Secret Service?

8 A Yes.

9 Q To your knowledge, was the FBI there?

10 A What did you say?

11 Q To your knowledge, was the FBI also there?

12 A Yes, sir.

13 Q While at the Six Flags, were you questioned  
14 by the FBI?

15 A Yes.

16 Q Approximately how long?

17 A Oh, very many people came every day, I don't  
18 know who, which was of FBI, which was  
19 Secret Service, I gave so much testimony  
20 each day so many hours.

21 Q Were you ever told by the FBI that you would  
22 have to co-operate with them in order to  
23 remain in America?

24 MR. DYMOND:

25 Your Honor, we object to that. It is

1                               hearsay in the first place.

2                   THE COURT:

3                               I will sustain the objection.

4                   MR. ALCOCK:

5                               All right.

6           BY MR. ALCOCK:

7           Q       Mrs. Porter, did the FBI ask you about Lee's  
8                               trip to Mexico?

9                   MR. DYMOND:

10                           Object again, Your Honor. That is hear-  
11                                       say.

12                   THE COURT:

13                           I think she can answer it. Well, rephrase  
14                                       your question. I will allow it.

15           BY MR. ALCOCK:

16           Q       Did you personally discuss with the FBI Lee's  
17                               trip to Mexico?

18           A       Yes, sir.

19           Q       Did you tell the FBI at that time when you  
20                               first were aware of the fact that he was  
21                               going to Mexico?

22           A       I don't remember what I say to the FBI and  
23                               when and how.

24                   MR. EDWARD WEGMANN:

25                               Mrs. Porter, speak a little louder.

1 MR. ALCOCK:

2 I couldn't hear her answer.

3 THE COURT:

4 Repeat the answer.

5 THE WITNESS:

6 Would you repeat the question, please?

7 BY MR. ALCOCK:

8 Q The question is, do you recall telling the FBI  
9 when you first learned of Lee's intention  
10 to go to Mexico?

11 A When they asked me the fact about if Lee was  
12 in Mexico, I told them yes, but when, I  
13 told them I don't know.

14 Q When did you find out when he first intended  
15 to go to Mexico?

16 A When I find out? Before I left New Orleans.

17 Q Approximately how long before you left New  
18 Orleans?

19 A Maybe two weeks or a month, I don't know.

20 Q Now, Mrs. Porter, I think you testified that  
21 you never went to Lee's apartment in Oak  
22 Cliff? Is that correct?

23 A Yes, sir.

24 Q Did you ever have occasion to attempt to  
25 contact him at Oak Cliff?

1 A Yes, sir.

2 Q Were you successful?

3 A No.

4 Q How did you attempt to contact him?

5 A He left a telephone number where he could be  
6 reached, and I called by this number and  
7 asked for him, but landlady or whoever  
8 answered the phone said nobody by this  
9 name lived there.

10 Q Did you ever have a conversation with Lee as  
11 to why he could not be reached at that  
12 number?

13 A Yes, sir, we had argument over that.

14 Q What did he say?

15 A I asked him, "Why did you give me the telephone  
16 number if you couldn't be reached by it?"  
17 And he told me he used another name.

18 Q He had used an alias?

19 A What?

20 Q He had used another name? Is that your testi-  
21 mony?

22 A Yes, sir.

23 Q Do you recall what that name was?

24 A No, I don't recall right now, but I was very  
25 upset for him hiding his real name.

1 Q Could that name have been O. H. Lee?

2 A I don't know, sir.

3 Q Do you recall when he first rented that  
4 apartment?

5 A No.

6 Q Did he live at Mrs. Paine's home very long  
7 when he returned to Dallas from Mexico  
8 and New Orleans or wherever he had come  
9 from? How long did he live in Mrs.  
10 Paine's home?

11 A I don't remember, sir.

12 Q Do you know whether or not he lived in one  
13 apartment, or two apartments in Dallas?

14 A I don't know this, sir, I don't know how many  
15 apartments he live in.

16 Q Did Lee ever tell you much of what he was  
17 doing?

18 A Yes, he told me.

19 Q He didn't tell you he was using the name  
20 O. H. Lee? Is that correct?

21 A No, he didn't. I don't remember right now  
22 what name he told me then he used.

23 Q Now, did you ever have an address of the  
24 apartment in Dallas?

25 A I think so, sir.

1 Q Did you ever attempt to go to that apartment? 6.  
2 A No.  
3 Q Did you ever attempt to contact Lee at that  
4 apartment after you were unsuccessful  
5 because of his giving you a false name --  
6 I mean giving the landlady a false name?  
7 A No. It was only once I called.  
8 Q Did the FBI ever visit you in Irving, Texas?  
9 A Yes, sir.  
10 Q On how many occasions?  
11 A I don't remember right now how many times it  
12 was -- once or twice.  
13 Q Once or twice?  
14 A Yes.  
15 Q Did you ever have occasion on one of these  
16 visits by the FBI to take down a license  
17 number?  
18 A Yes, I did.  
19 Q What did you do with the license number?  
20 A I wrote it down in a notebook or piece of  
21 paper.  
22 Q Did you give it to Lee?  
23 A Yes, sir.  
24 Q Do you know whether or not, of your own  
25 knowledge, Lee ever contacted this FBI

1 agent, of your own knowledge?

2 A He said he did.

3 Q Would it be a fair statement, Mrs. Porter, to  
4 say that while at Six Flags you were  
5 questioned quite often --

6 A Yes.

7 Q -- by the Secret Service and the FBI?

8 A Yes, sir.

9 Q Do you recall making the statement in your  
10 testimony before the Warren Commission,  
11 Mrs. Porter, to the effect that -- and  
12 this is a quote -- "I think that they,  
13 the FBI agents, should not count on my  
14 practically becoming their agent if I  
15 desire to stay and live in the United  
16 States." Do you recall making that  
17 statement?

18 A Whatever I told the Warren Commission, it  
19 was the truth.

20 Q Well, do you recall making that statement?

21 A I can't remember exact words, but I testified  
22 I was under the impression they told me,  
23 not in exact words but if I wanted to  
24 stay here I should help this country, if  
25 I want to be citizen and things like that.

1 Q In other words, essentially that statement  
2 you would not quarrel with? Is that  
3 right? You don't recall exact words  
4 but essentially you have no quarrel  
5 with that statement, is that right?

6 A They told me it would be nice for me to co-  
7 operate. They didn't -- I didn't have  
8 any threats.

9 Q I didn't hear your last --

10 A It wasn't made kind of with threats, if I  
11 don't do, they will do something about.  
12 I don't know.

13 Q Did you ever see Lee with a pistol?

14 A I don't remember now, sir.

15 Q You don't remember seeing him with a pistol?

16 A No.

17 Q Is it a fact you took a picture of him with  
18 a pistol and a rifle?

19 A Yes, sir, I recall right now.

20 Q When did you first see the pistol?

21 A The thing was, sir, when I took the picture  
22 I didn't know how to take a picture --  
23 even right now don't know -- I just took  
24 the picture, and later on in the picture  
25 I saw that.



- 1 Q You didn't see the pistol when you were  
2 taking the picture?
- 3 A No. I mean it happened to be there, but I  
4 didn't. I can't recall exactly when I  
5 saw the pistol.
- 6 Q How many times did you see the rifle in New  
7 Orleans?
- 8 A I don't know how many times.
- 9 Q Would it be more than once?
- 10 A Yes.
- 11 Q More than twice?
- 12 A Yes. Three, four, five times.
- 13 Q Three, four, five times?
- 14 A Yes.
- 15 Q Did you ever see Lee with the rifle in his  
16 hands?
- 17 A Yes, he have been cleaning his rifle in the  
18 house.
- 19 Q How many times did you see him cleaning the  
20 rifle?
- 21 A Maybe three times.
- 22 Q Did you ever see any ammunition for the rifle?
- 23 A What you call ammunition?
- 24 Q Bullets for the rifle.
- 25 A Not that I remember.

1 Q Do you know what a bullet looks like, Mrs.  
2 Porter?

3 A Yes, sir.

4 Q You don't recall seeing any? Is that correct?

5 A No.

6 Q Do you recall, Mrs. Porter, the date on which  
7 you attempted to contact Lee at the  
8 boarding house but were unsuccessful  
9 because of his using a false name? Do  
10 you remember that date approximately?

11 A It was pretty close to the time of the  
12 assassination.

13 Q Would you say it was a week or two weeks  
14 before the assassination?

15 A Could have been approximately ten days or  
16 one week, I don't remember. I remember --

17 Q I am sorry. Excuse me.

18 A -- we had an argument over this in the fall --  
19 he supposed to come one week and he didn't  
20 come, so I decided he was mad. Then he  
21 came on Thursday before this happened.

22 Q You had an argument? What do you mean you  
23 had an argument?

24 A I was upset, I was mad at him because he  
25 didn't use his real name.

- 1 Q I see. Were you expecting a baby at that  
2 time?
- 3 A Yes, sir.
- 4 Q Approximately how long after that call did  
5 you actually have your baby?
- 6 A Oh, baby was arrive on the 20th of October.
- 7 Q October 20th?
- 8 A Yes, sir.
- 9 Q You feel this call was prior to the arrival  
10 of your baby or --
- 11 A I don't remember, sir.
- 12 Q Did you think it strange that he did not  
13 give you -- or did not register under  
14 his own name?
- 15 A Yes, it was.
- 16 Q You testified to your knowledge Lee used at  
17 least one other alias, and that would  
18 be Hydel?
- 19 A Yes, sir.
- 20 Q You don't know of any other aliases he may  
21 have used?
- 22 A No, sir.
- 23 Q Now, Mrs. Porter, when you were living in New  
24 Orleans in the summer of 1963 and the  
25 early fall of 1963, did you speak English?

1 A No.

2 Q Did you speak any other language but Russian?

3 A No, sir.

4 Q Could Lee speak Russian?

5 A Yes.

6 Q Were you expecting a child when you were down  
7 here in New Orleans in the summer of '63?

8 A Yes.

9 Q Did you go very many places here in New Orleans?

10 A Not very many.

11 Q Did you ever attempt to go to the coffee  
12 company where you thought Lee was working?

13 A Yes, I did once.

14 Q And did you find him there?

15 A No.

16 Q Do you know whether or not you went to the  
17 right coffee company?

18 A Maybe I didn't.

19 Q Did he tell you what coffee company he was  
20 working at?

21 A No.

22 Q He didn't tell you what coffee company he was  
23 working at?

24 A No.

25 Q Did he give you a telephone number where he

1                   could be reached at the coffee company?

2       A       No.

3       Q       Do you know when Lee actually lost his job  
4                   at the coffee company?

5       A       No, I don't know, sir.

6       Q       When did he tell you he lost his job at the  
7                   coffee company?

8       A       Probably a week after he actually lost maybe,  
9                   or three days after he lost the job, but  
10                  I don't recall the date or the month.

11      Q       Do you recall testifying before the Grand Jury  
12                  here in New Orleans?

13      A       What did you say, sir?

14      Q       Do you recall testifying before the Grand Jury  
15                  here in New Orleans?

16      A       Yes, sir.

17      Q       Do you recall telling the Grand Jury that you  
18                  thought he lost his job sometime in  
19                  August?

20      A       If I said so, I remembered then -- then.

21      Q       I see.

22      A       I can't recall right now.

23      Q       And if I told you he lost his job on July 19 --  
24                  MR. DYMOND:

25                  I object, Your Honor. That is not in

evidence.

THE COURT:

He has got a right -- under cross-examination, he has a right to attack credibility.

MR. DYMOND:

Yes, I understand that, sir, but the form of the question I object to, "If I told you he lost his job in August." That is not in evidence, that he lost his job in August.

MR. ALCOCK:

I didn't say August.

THE COURT:

July.

MR. ALCOCK:

July 19.

MR. DYMOND:

It is not in evidence (that) he lost his job on July 19.

THE COURT:

I will overrule the objection. It is proper cross-examination.

MR. DYMOND:

To which ruling Counsel reserves a bill

1 of exception, making the question,  
2 answer, the objection and reason for  
3 the objection, and the ruling and  
4 the entire records parts of the bill.

5 BY MR. ALCOCK:

6 Q Now, Mrs. Porter, if I told you he lost his  
7 job on July 19, 1963, would you consider  
8 that a fair estimate as to the date he  
9 lost his job?

10 A No, I say it wouldn't be.

11 Q It would not be?

12 A No, I think it was closer to the time we left  
13 New Orleans.

14 Q Oh, I see. Well, how much closer, Mrs. Porter?

15 A For example, if we left in September, if I  
16 left September 23, it could be approxi-  
17 mately a month before we left.

18 Q About a month before you left you think he  
19 lost his job?

20 A Yes.

21 Q That would be approximately the middle --  
22 August 23 then?

23 A Sir, it is very hard for me to remember the  
24 month, it is too much time passed by.  
25 You can find this information probably

1 at the place where he used to work.

2 Q That is what I am suggesting. You are suggest-  
3 ing that you felt that he lost his job  
4 at most a month before you left New  
5 Orleans, is that correct?

6 A Yes, sir, because seemed like it was -- he  
7 was looking for a while, he was looking  
8 for a job, trying to find another job,  
9 and it was quite a while, maybe two  
10 weeks or so.

11 Q Well, would you say then, Mrs. Porter, from  
12 July 19 to August 23 that he would leave  
13 the house in the morning as if going to  
14 work?

15 A I can't tell, sir. When he lost his job he  
16 pretend for a few days that he is going  
17 to work. Then later on he said he hadn't  
18 been working but he tried to find another  
19 job, and after he admit he didn't have a  
20 job, then he was looking through the  
21 newspaper in the house and, you know,  
22 cut the addresses and then go contact  
23 the people by the phone or go see them  
24 for an interview.

25 Q I see. In other words, he admitted pretending



1 to you that he was still working when  
2 he wasn't? Is that correct?

3 A Yes, sir.

4 Q It is your recollection -- I am sorry -- go  
5 ahead.

6 A In the beginning.

7 Q In the beginning?

8 A After he lost his job.

9 Q And it is your recollection that sometime  
10 around the 23rd of August he officially  
11 lost his job? Is that correct?

12 A Sir, I cannot testify the exact date right  
13 now.

14 Q I see. Well, can you say this much, Mrs.  
15 Porter -- I am not trying to attack your  
16 memory, but can you say this much: Until  
17 approximately the 23rd of August he left  
18 the house every morning about the same  
19 time?

20 A Until what time?

21 Q At about the same time he left when he went  
22 to work?

23 A Yes, sir, it is possible.

24 Q You say that would be possible?

25 A I told you before he could leave the house

1                   early in the morning like going to work,  
2                   and come back at the time he was supposed  
3                   to come back from work.

4       Q       I see.

5       A       Maybe he didn't work at all as far as that.

6       Q       You didn't know? Is that right?

7       A       No.

8       Q       In fact, you never even knew what company he  
9                   worked for?

10      A       Maybe he wasn't even working in New Orleans.  
11                   How was I to know?

12      Q       I didn't hear that.

13      A       I never followed him to work so I couldn't  
14                   testify exactly he had been working. I  
15                   have to have another proof.

16      Q       I see. Did he tell you much about what he  
17                   was doing here in New Orleans?

18      A       No, sir.

19      Q       As a matter of fact, he rarely told you about  
20                   what he was doing at any time, isn't that  
21                   correct?

22      A       What?

23      Q       As a matter of fact, he rarely told you at  
24                   any time what he was doing. Isn't that  
25                   correct?

1 A That is correct.

2 Q Did Lee read much?

3 A Yes.

4 Q Did he talk to you very much?

5 A No.

6 Q Did he teach you English?

7 A No.

8 Q Did you ask him to teach you English?

9 A No.

10 Q Did you want to learn English when you were  
11 down here?

12 A Yes, I wanted, but I was busy with the baby  
13 and housework. I wished to but I didn't  
14 have time very much.

15 Q Now, I think you have testified that you still  
16 do not know how to drive a car? Is that  
17 correct?

18 A That is correct, sir.

19 Q And, to your knowledge, Lee never drove a car  
20 here in New Orleans? Is that also  
21 correct?

22 A Yes.

23 Q Did you ever see Mrs. Paine attempt to teach  
24 him how to drive a car?

25 A Yes, she showed him once from the house, her

1 home, a little bit.

2 Q Would that be after you returned to New Orleans  
3 or before you came down to New Orleans?

4 A I think after New Orleans.

5 Q Did you know what job he held prior to coming  
6 down to New Orleans?

7 A I didn't hear you, sir.

8 Q The job, did you know what job he held just  
9 before coming to New Orleans?

10 A No.

11 Q You didn't know that job either?

12 A No.

13 Q Do you know the type of work he was doing?

14 A No.

15 Q Did you have a telephone number of his place  
16 of employment?

17 A No, sir.

18 Q You didn't know the place of employment?

19 A No, sir.

20 Q Did you know any of his friends from work?

21 A No, sir.

22 Q Did you know of any friends he may have had  
23 down here?

24 A No, I didn't know. Seemed like he didn't  
25 have very many friends. He didn't make

1                   any telephone calls and didn't go any-  
2                   where.

3       Q       Did you have a telephone?

4       A       No. I mean usually, he had to make a tele-  
5                   phone call about a job or something, he  
6                   would go to the pay phone, so --

7       Q       Did you know he was handing out these FAIR  
8                   PLAY FOR CUBA pamphlets down here?

9       A       Yes.

10      Q       Do you know how many times he handed them out?

11      A       I don't know.

12      Q       You don't know?

13      A       No.

14      Q       Did you ever see him handing any out?

15      A       No.

16      Q       Do you know whether or not he belonged to any  
17                   FAIR PLAY FOR CUBA committee down here?

18      A       That is what he said to me.

19      Q       I didn't hear you.

20      A       That is what he told me, he belongs to it.

21      Q       Did he ever tell you who the members of the  
22                   committee were?

23      A       No.

24      Q       Did he ever say how many there were?

25      A       No, sir.

1 Q Did he ever say where the committee met?

2 A No. Seemed to me that he just made up the  
3 story, really it wasn't any committee  
4 or organization or anything at all.

5 Q Did you sign anything for him down here?

6 A Yes, sir.

7 Q What did you sign?

8 A Some kind of paper about something, but I  
9 don't remember what it was.

10 Q Would you recall --

11 A The name Hydel.

12 Q Hydel?

13 A Yes.

14 Q You signed the name, Hydel?

15 A Yes, sir.

16 Q And what was your purpose of doing that?

17 A He asked me to do it and I refused, and then  
18 he forced me to do it.

19 Q What do you mean, forced you?

20 A He threatened me if I wouldn't do it he use,  
21 you know -- how shall I say?

22 Q Physical threats?

23 A Physical threats, yes, sir.

24 Q Do you recall going to Mobile with Lee when  
25 he made the speech?

1 A Where?

2 Q Do you recall going with Lee to Mobile when  
3 he made the speech?

4 A Yes, sir.

5 Q Did you hear the speech?

6 A No.

7 Q Did you have occasion to have a conversation  
8 with a Jesuit priest at that time who  
9 also spoke Russian?

10 A Yes, sir.

11 Q And was this done while the speech was going  
12 on, were you having a conversation while  
13 Lee was making the speech?

14 A I don't remember right now, sir, whether it  
15 was afterwards or before.

16 Q Do you recall telling the priest that you  
17 didn't know who Lee's friends (were) or  
18 what he did down in New Orleans at all?

19 A I don't remember right now, sir.

20 Q Do you know as a matter of your own knowledge  
21 what Lee was doing when he was pretending  
22 to be working?

23 A No. I couldn't know, sir, that.

24 Q I take it then he wasn't home?

25 A What did you say?

1 Q I take it he wasn't home if he was pretend-  
2 ing to be working, is that correct?

3 A I guess so.

4 Q Now, approximately what time did Lee return  
5 home from work?

6 A Five-thirty.

7 Q Five-thirty?

8 A Five o'clock or five-thirty.

9 Q Five o'clock or five-thirty. Was it light  
10 or dark then?

11 A It was quite light.

12 Q What?

13 A Light.

14 Q Light. Did he come home every night at the  
15 same time?

16 A Yes.

17 Q Every night?

18 A Well, when he was working.

19 Q What about when he was pretending to work?

20 A O.K., sir. I can recall, for example, he  
21 told me -- when he told me he lose his  
22 job, and he told me it wasn't very long,  
23 so right now I can't say exact days and  
24 everything when he lost and when he --

25 Q I understand when he was pretending --



- 1 A But it haven't been for very many days,  
2 because he just can't pretend any longer  
3 so he told me.
- 4 Q You were aware of the fact that he was arrested  
5 for the distribution of this FAIR PLAY  
6 FOR CUBA literature here in New Orleans?
- 7 A Yes, sir.
- 8 Q Did he come home that night?
- 9 A No, he didn't.
- 10 Q Did you see him the next morning?
- 11 A Yes, he came next morning.
- 12 Q Did he tell you about it the next morning?
- 13 A Yes.
- 14 Q When was the first time that you saw these --  
15 if you did see them -- these FAIR PLAY  
16 FOR CUBA committee leaflets around the  
17 apartment?
- 18 A I don't recall the time, but he brought them  
19 home.
- 20 Q He brought them home?
- 21 A One day. I don't remember when.
- 22 Q Now, did Lee get much mail at home?
- 23 A No, he didn't, no.
- 24 Q Did he have a post office box?
- 25 A Yes, sir.

1 Q Did you ever go to his post office box?

2 A No.

3 Q Did you know where it was located?

4 A No.

5 Q Did you have a key to it?

6 A No.

7 Q I take it then you don't know what Lee  
8 received at the post office box? Is  
9 that correct?

10 A No, sir.

11 Q Did Lee give you instructions never to go  
12 into his personal things?

13 A What did you say?

14 Q Did Lee give you instructions never to go  
15 into his personal things?

16 A It was since we were married, he was always  
17 this way. I was brought up in the same  
18 way, I don't like to touch somebody's  
19 wallet or go look for some personal  
20 things, package and things like that.

21 Q And may I take it you never did this? Is  
22 that correct?

23 A Anyhow I tried not to.

24 Q What did you say? You were afraid to?

25 A No, I say I try not to.

- 1 Q You try not to. Do you know how long he had  
2 his post office box?
- 3 A No.
- 4 Q Do you know when he first got it?
- 5 A No.
- 6 Q Do you know the number of the post office box?
- 7 A No, sir.
- 8 Q Did you know whether or not Lee collected  
9 Unemployment Compensation down here in  
10 New Orleans in the summer of 1963?
- 11 A I think he did.
- 12 Q You are not sure of that?
- 13 A No, I am not sure right now.
- 14 Q Did Lee pay his rent by cash or by check?
- 15 A I don't know, sir, how he paid his rent.
- 16 Q Did you know of any checking account?
- 17 A No.
- 18 Q I think you told Mr. Dymond you never received  
19 any money from any account he might have  
20 had? Is that correct?
- 21 A Yes.
- 22 Q Did you ever see him write a check?
- 23 A Once we went to the grocery store and he had  
24 to, I think, cash his check.
- 25 Q Cashier's check?

1 A I don't know what kind of check it was  
2 because I couldn't read English.

3 Q I am sorry. You mean cash a check?

4 A Yes, sir. I mean for his employer.

5 Q His employer. That would be his pay check?

6 Is that correct?

7 A I guess so, but I don't know what kind of  
8 check it was.

9 Q Did he ever tell you he was going down to  
10 the Unemployment Office?

11 A I don't recall right now.

12 Q Did he ever tell you the name of anybody he  
13 knew down here?

14 A No. I was quite upset we didn't have any  
15 friends here at all. I was quite lost.

16 Q Well, did he tell you the name of anybody he  
17 worked with?

18 A No.

19 Q Did you tell you the places that he went to  
20 in an attempt to get a job after he lost  
21 his job?

22 A No, sir. He was -- Lee was the kind of person,  
23 he never had very many friends and he  
24 wasn't very friendly.

25 Q He wasn't a friendly type person?

- 1 A No. He liked to be alone and left alone.
- 2 Q He liked to be left alone?
- 3 A Yes, sir.
- 4 Q You said he read a lot. Is that correct?
- 5 A Yes, sir.
- 6 Q Did you ever go to the library with him here
- 7 in New Orleans?
- 8 A Yes.
- 9 Q You did go to the library with him here in
- 10 New Orleans?
- 11 A Yes.
- 12 Q How many times?
- 13 A Maybe twice.
- 14 Q Twice?
- 15 A Maybe three times.
- 16 Q Did you take the baby with you?
- 17 A Yes.
- 18 Q Do you recall where that library was located?
- 19 A It was very close to our home, I think on
- 20 Magazine Street.
- 21 Q Magazine Street?
- 22 A Seemed to me it was on Magazine Street.
- 23 Q Do you recall ever going to the main library
- 24 with him?
- 25 A I don't remember, sir.

1 Q I think you testified that he had two dress  
2 shirts, is that correct, to the best of  
3 your knowledge?

4 A Yes, sir.

5 Q Did he have any T-shirts?

6 A Maybe half a dozen.

7 Q Half a dozen?

8 A Or four.

9 Q Four. Did he have any other sport shirt?

10 A What you call "sport shirts"?

11 Q I am sorry. I didn't hear you.

12 A What you call "sport shirts"?

13 Q Not a dress shirt or a white shirt.

14 A Not a -- would you wear over slacks?

15 Q Right, right.

16 A I think so.

17 Q You don't recall whether he had any or not?

18 A I don't remember, sir, what kind of clothes  
19 he had, you know, go inside or outside.

20 Q Where would Lee spend most of his time when  
21 he was at the apartment on Magazine  
22 Street?

23 A At home.

24 Q I say, where would he spend most of his time  
25 in the apartment?

1 A Where in the apartment he spend time?

2 Q Correct.

3 A It wasn't a very big apartment. Play cards  
4 in the kitchen or read in the bedroom  
5 or the den.

6 Q Was there a porch, did you have a porch?

7 A Yes, we had a porch.

8 Q Did he spend much time on the porch to your  
9 knowledge?

10 A He liked to sit with the rifle at night on  
11 the porch.

12 Q He liked to sit with the rifle at night?

13 A Yes.

14 Q What was he doing with the rifle when he was  
15 sitting with it?

16 A I don't know.

17 Q You saw him holding it?

18 A It was dark over there, I could hardly see  
19 him, and he told me not to bother him.

20 Q (Exhibiting rifle to witness) Mrs. Porter,  
21 do you remember whether or not the rifle  
22 that you saw or the rifle that Lee owned  
23 had a sight like this?

24 A I don't remember.

25 Q You don't remember that? Do you remember

- 1                    what color it was?
- 2        A        No.
- 3        Q        Do you remember how long it was?
- 4        A        No, I am sorry but I don't remember; to me all
- 5                    the rifles look quite the same as long as
- 6                    it is a rifle. Some may be longer.
- 7        Q        Did you consider Lee a Communist?
- 8        A        No, sir.
- 9        Q        Mrs. Porter, did any FBI agents come to your
- 10                    apartment here in New Orleans when Lee
- 11                    was here in New Orleans?
- 12        A        I don't remember, sir.
- 13        Q        Did anyone come to the apartment that you can
- 14                    recall?
- 15        A        No.
- 16        Q        No one at all?
- 17        A        Except the people I told you about, the Murats
- 18                    and this lady, that is all. Not any men
- 19                    visit us.
- 20        Q        Did Mrs. Kloepher come to the apartment? Do
- 21                    you remember her?
- 22        A        Who is she?
- 23        Q        Ruth Kloepher, K-l-o-e-p-h-e-r.
- 24        A        Who is she, sir?
- 25        Q        I am asking you. Do you recall her coming to



1 the apartment with her two grown  
2 daughters?

3 A Oh, I don't remember her name.

4 Q That is what I mean.

5 A Some lady --

6 Q That would be someone who came to the apart-  
7 ment, is that right?

8 A Yes.

9 Q Did Lee ever tell you he shot a General  
10 Walker?

11 A Yes, he told me.

12 Q Do you remember when he told you that?

13 A After he came home late at night.

14 Q Late at night?

15 A Yes.

16 Q Do you remember when that was?

17 A I don't remember the date.

18 Q Did he have his rifle with him?

19 A I don't remember.

20 Q You don't remember?

21 A Oh, no, he didn't have the rifle with him.

22 MR. DYMOND:

23 Just a moment. We object to this on the  
24 ground it is completely irrelevant  
25 to this case, a matter concerning

General Walker.

MR. ALCOCK:

Your Honor, I am testing this witness's  
credibility.

THE WITNESS:

You are testing what?

(Laughter in the courtroom.)

THE COURT:

Just a minute. I think it is a proper  
subject of cross-examination. Over-  
rule the objection.

MR. DYMOND:

To which ruling we reserve a bill, making  
the line of questioning, the answers,  
given by the witness, the objection,  
the reasons for it, and the Court's  
ruling and the entire record and  
testimony up until now, parts of  
the bill.

THE COURT:

Let me interrupt you a second.

Mrs. Porter, if you do not understand  
the question or any word that Mr.  
Alcock may use in the question,  
before you answer, you may say,

1 would you explain.

2 THE WITNESS:

3 Yes, sir.

4 THE COURT:

5 Maybe he will put it in a different way  
6 and make it clearer to you.

7 THE WITNESS:

8 O.K.

9 BY MR. ALCOCK:

10 Q Now, did you see the rifle when he returned  
11 on the night you say he said he had shot  
12 at General Walker?

13 A No, sir, I didn't.

14 Q Did you see the rifle after that?

15 A Seemed like he went to pick it up later, the  
16 following day or the following something.

17 Q Do you know where he picked it up from?

18 A I don't know.

19 Q Did you report this incident to anybody before  
20 the assassination?

21 A No.

22 Q Did you see the rifle after this night that  
23 you said he came back?

24 A Yes.

25 Q Do you know whether or not you and Mrs. Paine

1 brought the rifle to New Orleans?

2 A What did you say?

3 Q Do you know whether or not you and Mrs. Paine

4 brought the rifle to New Orleans?

5 A Seemed like we did.

6 Q I didn't hear your reply.

7 A I mean, I don't know, sir.

8 Q You don't know?

9 A No.

10 Q Did Lee pack the belongings that you brought

11 here to New Orleans?

12 A Yes, sir.

13 Q You didn't come down here with Lee, did you?

14 A No.

15 Q Approximately how long was it after Lee left

16 Dallas that you came down to New Orleans?

17 A After Lee left Dallas? You mean the first

18 time? About a week, I guess.

19 Q About a week?

20 A I don't remember, sir. I am sorry.

21 Q After the incident that you have related about

22 Lee telling you he shot at General Walker,

23 did you see him burning a notebook a

24 couple of days later?

25 A I don't remember right now, sir.

1 Q You don't remember that now?

2 A No. If I said in Warren Commission testimony,  
3 he did, because I told everything the  
4 truth then, but I can't remember now.

5 Q Do you know whether or not Lee ever kept a  
6 notebook locked in his room anywhere?

7 A He kept all his things in the closet in Dallas  
8 or in New Orleans.

9 Q Was it locked?

10 A No. The door was shut.

11 Q The door was shut?

12 A Yes.

13 Q Did you open the door to clean?

14 A Cleaned himself.

15 Q He cleaned it?

16 A Once in a while I cleaned the floor.

17 Q I take it then you didn't know what was in  
18 the closet? Right?

19 A I never checked on it.

20 Q Do you know whether or not, of your own  
21 knowledge, Mrs. Porter, Lee Oswald gave  
22 any information to the FBI?

23 A I don't know about it.

24 Q To your knowledge, did you ever see him  
25 talking with the FBI or an FBI agent?

1 A Yes, sir.

2 Q I didn't hear your answer.

3 A Yes.

4 Q When was this?

5 A When we first came and lived in Fort Worth,

6 FBI came to see us.

7 Q Other than that occasion, did you see him,

8 to your knowledge, talking to an FBI

9 agent?

10 A I don't remember now.

11 Q When the agent came to you, that is, the FBI

12 agent came to you in Dallas, did you give

13 that agent the address where Lee was

14 staying?

15 A Ruth Paine gave it.

16 Q In your presence?

17 A Yes.

18 Q Were you present then?

19 A Yes.

20 Q Can you recall, Mrs. Porter, Lee receiving

21 any mail at the 4907 address on Magazine

22 Street?

23 A We had some mail.

24 Q You had some mail?

25 A Yes.

1 Q Do you recall who the mail was from?

2 A I received letter from my girl friend.

3 Q Do you recall whether Lee received any mail?

4 A I think he did, but I don't know where they  
5 come from, who they were from.

6 Q You don't know who they were from?

7 A No.

8 Q Did you ever read it? -

9 A No, I didn't read it. I read English but --  
10 I could read English but I didn't under-  
11 stand it.

12 Q So I take it then that you did not read any  
13 mail he may have received on Magazine  
14 Street? Is that correct?

15 A That is correct, sir.

16 Q Do you know whether or not he received these  
17 leaflets by mail?

18 A I think so, sir.

19 Q What makes you think so?

20 A I don't know.

21 Q Did you see them come in the mail?

22 A They were in a package. No, I didn't see them.  
23 I couldn't really testify to this, you  
24 know, because I don't remember how it was.

25 Q Did Lee tell you much about his activities in

1 connection with the distribution of the  
2 literature or this FAIR PLAY FOR CUBA  
3 pamphlet?

4 A Oh, he was quite excited about. He always  
5 liked to show how brave he was and how  
6 smart he was and things like that.

7 Q I see.

8 A I don't know how much truth there was in it.

9 Q Did you actually see some pamphlets? Is that  
10 correct?

11 A I have seen them around the house, yes.

12 Q Do you remember what color they were?

13 A I think it was yellow, could have been.

14 Q (Exhibiting document to witness) Now, Mrs.

15 Porter, I am going to show you what has  
16 been marked for identification "S-5,"  
17 and ask you if you can recognize this  
18 particular pamphlet or if you have seen  
19 a similar pamphlet at any time.

20 A Yes, sir, and I remember --

21 MR. DYMOND:

22 We can't hear her.

23 A (Continuing) I recognize this paper.

24 BY MR. ALCOCK:

25 Q Do you recognize it?



1 A Yes, sir.

2 Q How do you recognize it?

3 A I remember the color and I remember the "HANDS  
4 OFF CUBA."

5 Q Do you remember anything else on the pamphlets?

6 A (Indicating) And I remember this stamped thing  
7 with the name and address. Lee did this,  
8 I remember he was stamping them, whatever  
9 it was.

10 Q Do you recall Lee actually stamping on these  
11 this "A. J. Hydel, Post Office Box 300016,  
12 New Orleans, Louisiana"?

13 A Yes, sir.

14 Q Is that the same name that you signed for Lee  
15 down here in New Orleans?

16 A Yes, sir.

17 Q Mrs. Porter, do you recall, while you were  
18 here in New Orleans did Lee tell you  
19 what his duties were, his job, what he  
20 did?

21 A No, sir.

22 Q Did you know how much he was making a week  
23 or a month?

24 A No, did not. I knew at the time it was \$55.00  
25 or something, \$70.00, \$60.00.

1 And he never told you what his duties were  
2 or what he did at work?  
3 A No.  
4 Q Did he ever discuss with you what he did at  
5 work?  
6 A Very little.  
7 Q I take it that when you had conversations it  
8 would necessarily have to be in Russian,  
9 would that be correct, here in New  
10 Orleans?  
11 A All conversations were in Russian at home.  
12 Q Do you recall any more, Mrs. Porter, about  
13 the men that came to the door when you  
14 were on Magazine Street?  
15 MR. DYMOND:  
16 Object, Your Honor. I don't think there  
17 is any testimony that men came to  
18 the door. There was one man she  
19 testified to.  
20 THE COURT:  
21 Would you rephrase your question.  
22 BY MR. ALCOCK:  
23 Q Do you recall anything about when a man or  
24 men came to the door on Magazine Street?  
25 A It was -- seemed like it was weekend, Saturday

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or Sunday.

Q Did you see the man or men?

A No, I didn't see man.

Q Did you hear the man or men?

A I heard the -- how you call it? -- the door-

bell or whatever it was, and it was very

early in the morning, so Lee went out

there, and after a few minutes came back,

said, "Somebody probably checking on me,"

or something like this, said it was

nonsense conversation, that is all. And

he wasn't very long at all.

Q He said somebody checking on him?

A I asked him who it was. (Said) probably FBI,

maybe it is a reporter, and that is all.

Said he didn't know who the man was.

Q Well, to your knowledge, would the FBI usually

check on him?

A Yes. Anyhow this was my impression, what Lee

told me.

Q (Exhibiting photograph to witness) Mrs. Porter,

I am going to show you a picture which

has been marked for identification as

"State-6," and I ask you if you recognize

anyone in the picture.

A (Indicating) That is my husband, late, right

here.

Q Do you recognize anyone else?

A Nobody else. I don't know anybody else in

that picture.

Q (Exhibiting document to witness) Now, I am

going to show you what I have marked for  
purposes of identification as "State-9,"  
and ask you if you recognize this

particular pamphlet.

A No, I don't recognize it, never seen it before.

Q (Exhibiting document to witness) Now, I show  
you what I have marked for purposes of  
identification as "State-4," and I ask

you if you recognize it.

A Yes, sir.

Q Where have you seen that one or a similar one  
at any time?

A I don't connect the whole thing, but this

thing is familiar to me (indicating),

the stamp.

Q Where have you seen that before?

A Because Lee had one of these. The stamp was

on the yellow paper.

Q What kind of stamp was it that he used, do

1		You recall?
2	A	No.
3	Q	Do you know where he may have gotten the
4		stamp from?
5	A	I think he made it himself, a little, you
6		know, letter -- I think he made it
7		himself, these little letters you put
8		together. I don't know, it is a little
9		kit or whatever you can buy at the dime-
10		store or wherever you are supposed to
11		buy them.
12	Q	Is that the first and only time you ever saw
13		him using a stamp like that?
14	A	Yes, I have seen him doing this in New Orleans.
15	Q	Did you see him do it in Dallas before you
16		came to New Orleans?
17	A	No.
18	Q	Did you see him do it in Dallas after you left
19		New Orleans?
20	A	No.
21	Q	Do you know what ever became of the kit?
22		Have you ever seen the kit since --
23	A	No.
24	Q	-- since you saw him using it?
25	A	No. I don't know what happened with it.

1 Q Do you a man by the name of Carlos Bringuier? 104

2 A No.

3 Q Carlos Bringuier?

4 A No.

5 Q Now, when you left New Orleans to go back to Dallas, did Lee remain here in New Orleans, to your knowledge?

8 A Yes.

9 Q Do you recall on what day of the week you left New Orleans to go back to Irving, Texas with Mrs. Paine?

12 A No, sir, I don't recall.

13 Q Do you recall what time or part of the day that you left New Orleans?

15 A In the morning.

16 Q In the morning?

17 A Yes.

18 Q Do you recall how much of Lee's belongings that you left behind when you left New Orleans?

20 A I don't remember, sir.

22 Q Did you have occasion at any time during that morning to look into Lee's closet?

24 A No.

25 Q Did he give you any money on that occasion?

1 A I don't remember, sir.

2 Q Do you know whether he had any money when you  
3 left?

4 A I guess he had; he saved some money.

5 Q He saved some money?

6 A Yes, from his pay check. Whatever, it wouldn't  
7 be a very big amount, I assume.

8 Q I see. Did he say why he was going to Mexico?

9 A Yes.

10 Q Why?

11 A He want to go to Cuba, and he tried through  
12 the Mexican Embassy, you know, somehow  
13 to go to Cuba.

14 Q Were you supposed to go to Cuba with him?

15 A He said he will let me know what to do, you  
16 know, what steps to take.

17 Q Do you know whether or not, Mrs. Porter, when  
18 Lee was down here in New Orleans he  
19 attempted to or did contact an attorney  
20 about his discharge from the Service?

21 A I don't remember this right now, sir.

22 Q Do you recall his talking about his discharge  
23 at all, from the Service?

24 A He wrote letter to somebody about that, but  
25 I don't recall whom.

1 Q You don't know of your own knowledge whether  
2 he went to a local attorney here in an  
3 attempt to get some work done on his  
4 discharge?

5 A I don't know about that, sir.

6 Q Do you know whether or not during the day he  
7 may have gone to some surrounding town  
8 in an attempt to look for a job?

9 A No.

10 Q I think you said he did not drive. Is that  
11 correct?

12 A No.

13 Q Have you ever heard of the name, or did he  
14 ever mention the name of Dean Andrews  
15 to you?

16 A No.

17 Q When Lee came back from looking for a job as  
18 he told you, did he ever tell you what  
19 he had done that day in an attempt to  
20 get a job?

21 A He said -- I just asked him if he get it or  
22 not, and he said no. Didn't like to be  
23 bothered with the questions.

24 Q He didn't want to be bothered with the  
25 questions?



1 A Yes, you know, about the job, who he see or  
2 what kind of place it was.

3 Q Well, did he ever talk to you about what he  
4 was doing down here when he was away  
5 from your house?

6 A Yes. He go to the library, you know, to pick  
7 up some books, or go look for the job.  
8 He wasn't gone very long.

9 MR. DYMOND:

10 If the Court please, we object on the  
11 ground of this being repetitious.  
12 We have been over this material  
13 before, and we ask that the Court  
14 exercise its discretion.

15 THE COURT:

16 I would appreciate it if you would explore  
17 a new avenue.

18 MR. ALCOCK:

19 Very well, Your Honor.

20 BY MR. ALCOCK:

21 Q Do you recall testifying before the Warren  
22 Commission? Is that correct, Mrs. Porter?

23 A Yes, sir.

24 Q Did you tell the Warren Commission that you  
25 had lied to the FBI about Oswald's trip

1 to Mexico?

2 A Yes, I told -- before I testified for the  
3 Warren Commission I had so many questions  
4 from FBI and everybody, so I actually  
5 didn't, I just didn't tell them, you  
6 know, anything at all.

7 Q Oh, I see.

8 A When they ask me question if he have been in  
9 Mexico, I didn't tell no. I didn't lie.

10 Q How many times did you appear before the  
11 Warren Commission?

12 A Three times.

13 Q Three or four times?

14 A Three times.

15 Q Three times. On your first appearance, did  
16 the Warren Commission ask you whether  
17 or not you knew Lee was going to Mexico  
18 when you left New Orleans?

19 A I don't remember.

20 MR. DYMOND:

21 Your Honor --

22 THE WITNESS:

23 I don't remember first time or second  
24 time.

25 MR. DYMOND:

1           Object first of all on the ground that  
2           it is hearsay, and, secondly,  
3           repetitious.

4           THE COURT:

5           Well, I will permit the question under  
6           the guise of cross-examination  
7           attacking the credibility of the  
8           witness. I will permit it. I will  
9           overrule the objection.

10          Please read the question back.

11          (Whereupon, the pending question was  
12          read back by the reporter.)

13       A     Sir, I couldn't remember what questions asked  
14           me first time or second time or third  
15           time.

16       Q     Well, do you recall admitting to them on  
17           one of your early appearances you had  
18           lied when you said you did not?

19       A     I don't remember that, sir.

20       Q     You don't remember that?

21       A     I don't remember that now. Can I make a  
22           statement? I just told them everything  
23           I know, and everything was true so I  
24           didn't have anything else to lie about,  
25           hide or lie about.

1 Q Do you recall telling Mr. Rankin of the  
2 Warren Commission that most of these  
3 questions -- this is quote allegedly  
4 from you -- Mr. Rankin asked you this:  
5 "When you were asked before about the trip to  
6 Mexico --

7 MR. DYMOND:

8 Your Honor, we object on the ground this  
9 is hearsay, it is something that  
10 someone else said or asked outside  
11 of the Defendant's presence.

12 MR. ALCOCK:

13 I have a right to impeach the witness.

14 She didn't deny it.

15 MR. COURT:

16 I think it is the same situation we came  
17 up with in Perry Raymond Russo,  
18 impeaching a prior contradictory  
19 statement. Isn't that the theory  
20 on which you are proceeding?

21 MR. ALCOCK:

22 Yes, Your Honor.

23 THE COURT:

24 I will overrule your objection.

25 MR. DYMOND:

1 If the Court please, we are going to  
2 ask at this time that her entire  
3 testimony before the Warren Com-  
4 mission be introduced in evidence.

5 THE COURT:

6 No, sir. I will rule on each question  
7 myself. I don't know what the  
8 Warren Commission ruled on, what  
9 they let in. Whether they let  
10 inadmissible evidence in, I don't  
11 know. I will rule myself on each  
12 question.

13 MR. DYMOND:

14 If the Court please, I think the State  
15 has opened the door here by giving  
16 specific quotes or alleged quotes  
17 from the Warren Commission report,  
18 and I think the best evidence of  
19 what happened before the Commission  
20 is certainly the transcript of what  
21 happened.

22 THE COURT:

23 Well, if I recall correctly, Mr. Dymond,  
24 you used Perry Raymond Russo's  
25 testimony before the preliminary

1 hearing and quoted direct quotes,  
2 and I wouldn't let you or the State  
3 introduce the preliminary hearing  
4 testimony, and that is the same  
5 situation. I therefore overrule  
6 your objection.

7 MR. DYMOND:

8 To which ruling Counsel objects and  
9 reserves a bill of exception, making  
10 the State's question, the Defense  
11 objection and the reasons therefor,  
12 the ruling of the Court, the entire  
13 testimony and record up until this  
14 time, parts of the bill.

15 THE COURT:

16 You may proceed, Mr. Alcock.

17 BY MR. ALCOCK:

18 Q Now, Mrs. Porter, do you recall this question  
19 being asked of you by the Warren  
20 Commission; the question reads as follows:  
21 "Q. When you were asked before about the trip  
22 to Mexico, you did not say that you knew  
23 anything about it. Do you want to  
24 explain to the Commission how that  
25 happened?"

1 And your response was as follows:

2 "Most of these questions were put to me by  
3 the FBI. I did not like them too much.  
4 I didn't want to be too sincere with  
5 them. Though I was quite sincere and  
6 answered most of their questions, they  
7 questioned me a great deal and I was  
8 very tired of them and I thought that,  
9 well, whether I knew or didn't know  
10 about it didn't change matters at all,  
11 it didn't help anything, because the  
12 fact that Lee had been there was already  
13 known and whether or not I knew about it  
14 didn't make any difference."

15 Do you recall making that answer?

16 A Whatever it was written, they asked that.

17 Q Then when they questioned you about it earlier  
18 you said you had no knowledge of it? Is  
19 that correct?

20 A No knowledge about what? I told you I knew  
21 about Lee being in Mexico.

22 Q Well, when the Warren Commission questioned  
23 you about it earlier, you said you had  
24 no knowledge of it, and then you changed  
25 it? Is that correct?

1 A Possibly.

2 Q You were under oath the first time, weren't  
3 you?

4 A Sir, I testified first time and second time --  
5 I couldn't -- when I give testimony to  
6 FBI, I wasn't under oath.

7 Q You were under oath with the Warren Commission  
8 though, weren't you?

9 A Yes, but I didn't lie to them.

10 Q What?

11 A I didn't lie to them.

12 Q You didn't lie to them?

13 A No.

14 Q Did you tell the truth to a person you liked  
15 and --

16 MR. EDWARD WEGMANN:

17 She didn't say that.

18 THE WITNESS:

19 I said I didn't lie to the Warren  
20 Commission first time or second  
21 time or third time.

22 THE COURT:

23 Lie, l-i-e.

24 BY MR. ALCOCK:

25 Q You didn't lie to them?



1 A I did not.

2 Q Do you have any quarrel with that quote? Did  
3 that quote seem accurate to you, or do  
4 you recall that?

5 A I was tired. It was for a long time. I  
6 couldn't dislike FBI man or something,  
7 quarrel with him not to give the infor-  
8 mation he wanted this day or second day  
9 or something like that.

10 Q All right.

11 MR. ALCOCK:

12 I have no further questions.

13 MR. DYMOND:

14 If the Court please, at this time in  
15 connection with the testimony of  
16 this witness, I would like to offer,  
17 file and produce in evidence the  
18 exhibit which has been marked for  
19 identification "D-20" and identified  
20 by the witness.

21 THE COURT:

22 Any objection?

23 MR. ALCOCK:

24 No objection.

25 THE COURT:

1 Let it be received in evidence.

2 MR. DYMOND:

3 Your Honor, at this time I would ask  
4 that the Jury be permitted to view  
5 this photograph.

6 THE COURT:

7 You may exhibit it to the Jury.  
8 (Photograph exhibited to the Jury.)

9 THE COURT:

10 Mr. Dymond, do you intend to ask any  
11 questions on redirect?

12 MR. DYMOND:

13 Only four or five questions.

14 THE COURT:

15 I was going to say if you have plenty of  
16 redirect --

17 MR. DYMOND:

18 No, I don't.

19 THE COURT:

20 It is five minutes of twelve. If you  
21 only have a few questions, you may  
22 proceed.

23 REDIRECT EXAMINATION

24 BY MR. DYMOND:

25 Q Mrs. Porter, when Lee Oswald told you about

1           having shot at General Walker, was that  
2           before or after you and he lived on  
3           Magazine Street here in New Orleans?

4     A     It was before we lived on Magazine Street.

5     Q     Where were you living then?

6     A     I don't remember now the name of the street.

7     Q     I mean, in what city?

8     A     In Dallas.

9     Q     In Dallas?

10    A     (The witness nodded affirmatively.)

11    Q     Did he take any active interest of which you  
12           knew, in the Civil Rights movement, that  
13           is, the integration of schools, Negro  
14           voting rights, and so forth?

15    A     No, sir.

16    Q     You never knew him to take any such interest?

17    A     No.

18    Q     Now, with respect to his telling you that he  
19           was going to Cuba from Mexico, what did  
20           he tell you about your going to Cuba, if  
21           anything?

22    A     What did he tell me about what?

23    Q     About your going to Cuba.

24    A     He told me he will let me know later where I  
25           supposed to go, you know.

1 Q Now, was this supposed to be on a temporary  
2 basis or was it supposed to be on a  
3 permanent basis that you all were moving  
4 to Cuba?

5 A I don't know.

6 Q You don't know?

7 A He didn't make any plans because he didn't  
8 know.

9 Q Do you know whether or not he planned to live  
10 there?

11 A When I left with Ruth Paine, I don't know if  
12 I see Lee again.

13 Q I didn't understand you.

14 A When I left with Ruth Paine to come to Dallas  
15 from New Orleans and he supposed to go  
16 to Mexico, I don't know if I see him  
17 again. Maybe he could take off and go  
18 to Cuba and like that.

19 MR. DYMOND:

20 That is all.

21 MR. ALCOCK:

22 No questions.

23 THE COURT:

24 You may stand down, Mrs. Porter.

25 Do you have any further need to have

Mrs. Porter under the legal obligation of the subpoena?

MR. ALCOCK:

The State has none.

MR. DYMOND:

No, we don't have any further need.

THE COURT:

Mrs. Porter, if you wish to leave, you may leave.

MR. DYMOND:

May I ask that the witnesses be ordered to return at 1:30, not Mrs. Porter but the others?

THE COURT:

Sheriff, will you go out in the corridor and announce that all Defense witnesses are ordered by the Court to be back here for 1:30, excluding Mrs. Porter.

Gentlemen of the Jury, we are going to recess for lunch at this time. Do not discuss the case amongst yourselves or with any other person.

Mr. Shaw, you are released under your same bond.

We stand recessed for lunch until 1:30.

120

....Thereupon, at 12:00 o'clock noon,  
a recess was taken until 1:30 o'clock  
p.m. . . . .

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**COPY**

002032

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

STATE OF LOUISIANA . 198-059  
VS. . 14:26 (30)  
CLAY L. SHAW . SECTION "C"

PROCEEDINGS IN OPEN COURT OF  
FRIDAY AFTERNOON, FEBRUARY 21, 1969

*Testimony of Lloyd J Cobb, Goldie Nannie Moore, Rex Kommer*

B E F O R E:

THE HONORABLE EDWARD A. HAGGERTY, JR.,

JUDGE, SECTION "C"

RECEIVED BY  
1/21/94

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I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
LLOYD J. COBB	2	25	32	
MISS GOLDIE NAOMIE MOORE	33	58	66	
REX L. KOMMER	67	71	74	75

E X H I B I T S

NUMBER	IDENTIFIED	OFFERED	RECEIVED
D-21	38		
D-22	38	39	39
D-23	45	46	46
D-24	52	52	52
D-25	68	70	70
D-26	68	70	70



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1 FRIDAY, FEBRUARY 21, 1969 2

2 AFTERNOON SESSION

3 THE COURT:

4 Please note that the Jury is present, the

5 Defendant is present, and all

6 Counsel are present for both sides.

7 Are you ready to proceed?

8 MR. DYMOND:

9 Yes, sir.

10 MR. ALCOCK:

11 Yes, sir. 12

12 ...oOo...

13 LLOYD J. COBB,

14 a witness for the Defense, after first being duly

15 sworn by The Minute Clerk, was examined and testified

16 as follows:

17 DIRECT EXAMINATION

18 BY MR. DYMOND:

19 Q Mr. Cobb, for the record would you kindly state

20 your full name.

21 A My name is Lloyd J. Cobb.

22 Q Mr. Cobb, what is your occupation?

23 A I am a lawyer.

24 Q Are you now or have you ever been associated

25 with or affiliated with the International

Reference copy, JFK Collection: HSCA (RG 233)

Trade Mart here in New Orleans?

3

A Yes.

Q In what capacity, sir?

A Well, I was original founder of the Trade Mart back in 1946 and served on the Board of Directors and Executive Committee and as a Vice-President until the death of Mr. William Zetzmann, Sr. in March 1962 shortly after which I became President.

Q That is President of the Trade Mart?

A Of International Trade Mart.

Q Are you still the President of the International Trade Mart?

A Yes.

Q Now, Mr. Cobb, are you acquainted with Mr. Clay Shaw, the Defendant in this case?

A Yes.

Q How long have you known him, sir?

A Since about 1946 when the Trade Mart was in its original organizational stages.

Q At that time was Mr. Shaw affiliated with the Trade Mart?

A No.

Q When if ever, did he become affiliated with the Trade Mart and in what capacity?

Reference copy, JFK Collection: ESCA (RG 233)

1 A He became affiliated with the Trade Mart about 4  
2 1946 to facilitate the remodeling of the  
3 old Baldwin Building on Camp and Common  
4 Streets until it became the original  
5 Trade Mart and he participated in the  
6 original financing and organization of the  
7 Trade Mart.

8 Q Now did he become affiliated with the Trade Mart  
9 after you became President or before?

10 A I became President in 1962, in March 1962, and  
11 he had been affiliated with the Trade Mart  
12 since 1946, approximately.

13 Q Now when you became President of the Trade Mart  
14 in what capacity was Mr. Shaw affiliated  
15 with the Trade Mart?

16 A He was Managing Director.

17 Q And how long did he continue in that position  
18 to your knowledge, sir?

19 A Until October 1965.

20 Q Did he leave this position voluntarily or if not  
21 under what circumstances?

22 A He left it entirely voluntarily. I think that  
23 answers the question.

24 Q Now as Managing Director of the Trade Mart in  
25 general and more particularly during the

Reference copy, JFK Collection: HSCA (RG 233)

1 year 1963, what was the nature of his 5  
2 duties?

3 A In 1963 he was acting as he had acted previous-  
4 ly as Managing Director of the Trade Mart  
5 and as such he was in charge of the rental  
6 space and attention to exhibits in the  
7 Mart there and publication of the Mart's  
8 image generally.

9 In June of 1963 a contract was made  
10 with Blyth & Company in New York which had  
11 to do with the financing of the new Trade  
12 Mart which has been built at the head of  
13 Canal Street. After June of 1962, after  
14 June of '63 his responsibilities were  
15 directed towards handling his old job as  
16 I described and also facilitating in every  
17 way possible the creation of the new  
18 International Trade Mart complex.

19 Q Now, during the months of August, September and  
20 October 1963 was there anything unusual  
21 going on in connection with the new Trade  
22 Mart Building?

23 A We think it was unusual.

24 Q Will you please describe that.

25 A About June, about July 1963 this financing

Reference copy, JFK Collection: ESCA (RG 233)

1 contract was entered into between the  
2 International Trade Mart and Bloomfield  
3 Building Industries, which later built the  
4 building, and Blyth & Company for the sale  
5 of bonds to finance the new 33-story  
6 structure and the contract provided that  
7 the closing date would be October 8, 1963,  
8 a period of 90 days.

9 During that time the Trade Mart was  
10 under the obligation when the bonds were  
11 to be issued to do many things, one of  
12 which was to get bonafide leases to support  
13 the bond issue. The bond issue was to be  
14 for \$12,800,000.00 and it was necessary to  
15 inaugurate a crash campaign to get leases  
16 from tenants, which leases were to  
17 produce \$1,425,000.00 as I recall it,  
18 gross annual rental to support the  
19 \$12,800,000.00 bond issue, and the bond  
20 issue ultimately concluded on October 10,  
21 1963 in New York.

22 Q Now during the say three months preceding  
23 October '63, did Mr. Shaw have any duties  
24 in connection with the negotiating of  
25 these leases for the proposed Trade Mart?

Reference copy, JFK Collection: HSCA (RG 233)

1 A Well, as I have described it, it was a crash 7  
2 operation and as President of International  
3 Trade Mart, and the man responsible for  
4 putting the deal together and bringing  
5 about the issuance of the bonds to make  
6 the Trade Mart possible, it was my respon-  
7 sibility to delegate work, and the work  
8 load of obtaining the leases was delegated  
9 to Mr. Shaw for many reasons. There were  
10 about 40 or 44 foreign consuls here in  
11 New Orleans and Shaw had been working with  
12 them over a long period of years so natur-  
13 ally he was delegated to try and obtain  
14 leases from them, which in turn meant in  
15 many instances the changing of the offices  
16 then occupied into the new building. He  
17 was also in direct charge and was respon-  
18 sible for obtaining other leases to make  
19 up the total the investment company and  
20 the insurance company standing by would  
21 require before they would buy the bonds.

22 Q Would you or would you not term that a busy  
23 period, Mr. Cobb?

24 MR. ALCOCK:

25 Object, Your Honor, as the question is --

Reference copy, JFK Collection: HSCA (RG 233)

1 THE COURT:

8

2 I will permit the question under the  
3 circumstances. You may answer.

4 THE WITNESS:

5 It was busy to this extent. I practice  
6 law and during that period of time I  
7 worked on the project every day, I  
8 don't recall even if I took a day off  
9 during that whole period. We had a  
10 dedicated team and had a job to do  
11 and I had delegated it and everybody  
12 knew what his responsibility was and  
13 we were working under adverse condi-  
14 tions because many civic and public  
15 institutions in New Orleans and the  
16 press were not in favor of the  
17 project and, and it was a crash pro-  
18 gram in every sense of the word.  
19 There wasn't a moment when it was  
20 left unattended.

21 Q Now, you say that you worked every day on this.

22 How many days a week?

23 A I personally worked probably around the clock  
24 except for a little time out at home on  
25 Sundays I worked around the clock.

Reference copy, JFK Collection: HSCA (RG 233)

9

1 Q You worked on Saturdays?

2 A I worked on Saturday, on Sundays, I can't tell  
3 you how many Sundays, but Sundays,  
4 Saturdays, holidays.

5 Q Mr. Cobb, in connection with the work you were  
6 doing on the project and Mr. Shaw, was it  
7 necessary for you to contact him  
8 frequently or not?

9 A Well, in the nature of things it was absolutely  
10 necessary. Shaw had the responsibility for  
11 obtaining leases from the counsels and  
12 foreign governments; had responsibility  
13 for obtaining other leases; and in addition  
14 to that we were dealing with many public  
15 agencies. For instance, we were dealing  
16 with the Board of Commissioners for the  
17 Port of New Orleans which involved the  
18 demolition of the Dock Board Headquarters  
19 at the head of Canal Street and the ex-  
20 change of that property for two squares  
21 that the Trade Mart owned that now form a  
22 part of Rivergate. We were busily  
23 engaged at that time working out with the  
24 New Orleans Public Belt Railroad the  
25 relocation of all railroad tracks of the



Reference copy, JFK Collection: ESCA (RG 233)

1           Public Belt on the riverfront. We were 10  
2           engaged with Southern Pacific Railroad  
3           moving that railroad after 100 years clean  
4           off the riverfront. We were engaged with  
5           the Dock Board too in revamping the ferry  
6           landing at Canal Street and then we were  
7           working almost constantly with  
8           Edward Durel Stone, the architect of the  
9           Trade Mart, on the plans and specifications  
10          which had to be submitted to the investment  
11          house at the time of the closing, and  
12          Mr. Shaw was, Shaw did more of that work  
13          I think than anybody else deciding what  
14          would go into the building and where and  
15          what the cost would be and so forth.  
16   Q       When you say "we," in your testimony, to whom  
17             are you referring?  
18   A       In connection with the Trade Mart project?  
19   Q       That is correct. In outlining what you had to  
20             do.  
21   A       The whole project was put together by a good  
22             many people but the responsibility in the  
23             final analysis rested on, I would say,  
24             three people.  
25   Q       Who were those three people?

Reference copy, JFK Collection: HSCA (RG 233)

1 A It rested on Clay Shaw to obtain the leases

11

2 and Mr. Jimmy Coleman and his office who  
3 worked with me on a day-to-day basis,  
4 working out all the legal details in con-  
5 nection with the Mart and they were  
6 considerable because when I went to New  
7 York on October 8 to conclude the issue I  
8 carried with me 44 separate legal documents  
9 and over 100 leases all of which had to be  
10 approved by counsel here, Mr. Coleman and  
11 his associate, Mr. Yuratich and myself. 3.  
12 Others worked on the project but the great  
13 bulk of the work virtually all was done by  
14 that small team.

15 Q You say you were working with Mr. James

16 Coleman on a day-to-day basis. On what  
17 basis were you working with Clay Shaw?

18 A I was working with Clay Shaw during that period

19 almost on a constant basis. I don't mean,  
20 I was with him but my office is in the  
21 Whitney Bank Building and his office was  
22 in the International Trade Mart Building  
23 and we were talking back and forth through-  
24 out the period in the negotiation of  
25 leases and I was calling on him and he was

Reference copy, JFK Collection: HSCA (RG 233)

12

1 asking me for advice with respect to  
2 approaches to be made to this tenant or  
3 that tenant and more or less constantly  
4 dealing together.

5 Q Do you recall any work days during that approxi-  
6 mate three-month period that you were not  
7 in touch with Clay Shaw?

8 A Well, I recall there was one day during that  
9 period when I was not in touch with him  
10 because he had requested me --

11 MR. ALCOCK:

12 I'm going to object to anything Shaw said  
13 to him.

14 THE WITNESS:

15 One day, then.

16 THE COURT:

17 I think he could say what Mr. Cobb would  
18 do as a result of a conversation with  
19 Mr. Shaw. You may rephrase your  
20 question.

21 BY MR. DYMOND:

22 Q My question was whether you remembered any days  
23 you had not been in contact with him dur-  
24 ing that three-month period.

25 A I do remember one day.

Reference copy, JFK Collection: ESCA (RG 233)

1 Q Do you know where he was during that one day? 13  
2 A Yes, I do.  
3 Q To your knowledge, was any representative of  
4 the Trade Mart able to reach him on that  
5 day?  
6 A To my knowledge, yes.  
7 Q Where was he reached?  
8 A In Hammond, Louisiana.  
9 Q Hammond, Louisiana?  
10 A Yes.  
11 Q Do you know what day that was, Mr. Cobb?  
12 A The date was September 25, 1963.  
13 Q Mr. Cobb, you are pretty familiar with  
14 Louisiana?  
15 A Yes.  
16 Q How far approximately is Hammond, Louisiana from  
17 Clinton, Louisiana, roughly?  
18 A I would say about 90 miles.  
19 Q Now, Mr. Cobb, in view of the nature and inten-  
20 sity of the work you and Mr. Shaw were  
21 performing at that time if he had been  
22 absent from work on a work day would you  
23 have noticed it?  
24 A I would have done more than noticed it.  
25 Q What would you have done?

Reference copy, JFK Collection: BSCA (RG 233)

1 A Well, all of us were working as a dedicated 14  
2 team and there would have been a point  
3 made as he was being paid and I wasn't.  
4 We had a job to do and we were out to get  
5 it done.

6 Q Now Shaw -- Mr. Cobb, in view of the length of  
7 time you have known Mr. Shaw would you say  
8 you are familiar or not familiar with his  
9 manner of dress?

10 A I am familiar with it to the extent of what I  
11 have seen in his business contacts.

12 Q Have you ever known him to wear a hat?

13 A No.

14 Q Have you ever known him to wear tight pants?

15 A No.

16 Q Would you tell us how he customarily dressed for  
17 business occasions?

18 A He dressed like any ordinary businessman in all  
19 his contacts with the Trade Mart.

20 Q By any ordinary businessman, how would you  
21 describe that?

22 A On the conservative side.

23 Q According to your definition of "conservative"  
24 style would a striped sport coat fit in  
25 that?

Reference copy, JFK Collection: ESCA (RG 233)

15

1 MR. ALCOCK:

2 I object, Your Honor.

3 THE COURT:

4 What was your question?

5 MR. DYMOND:

6 According to his definition of conservative  
7 side would a striped sports coat  
8 fit in that.

9 THE COURT:

10 Let him tell it to you. Let Mr. Cobb tell  
11 you.

12 BY MR. DYMOND:

13 Q How would you describe the conservative  
14 businessman's dress?

15 A Like these gentlemen, like you are dressed  
16 like I am dressed, there was n  
17 unusual about his dress and  
18 notice particularly.

19 Q Now, Mr. Cobb, were you on t  
20 committee that greet  
21 when he visited t  
22 assassination?

23 A Yes, I was.

24 Q Do you know wheth  
25 committee?

Reference copy, JFK Collection: HSCA (RG 233)

16

1 A He, he was.

2 Q Did you see him at any time during the  
3 reception of President Kennedy or the  
4 festivities or proceedings that took  
5 place in connection with it?

6 A Yes, I saw him.

7 Q Did you notice anything unusual about his  
8 dress at that time?

9 A No.

10 Q Could you say whether or not he was wearing  
11 tight pants at that time?

12 A If he had been wearing tight pants I would have  
13 noticed it so my answer is no.

14 Q Mr. Cobb, would you say that in view of your  
15 knowledge of Mr. Shaw that you were and  
16 are familiar with his political views and  
17 feelings?

18 A Well, from time to time there were discussions --  
19 MR. ALCOCK:

20 Your Honor, any discussions with Mr. Shaw  
21 or any political views expressed by  
22 Mr. Shaw to Cobb would of necessity  
23 be hearsay.

24 THE COURT:

25 You are correct.

Reference copy, JFK Collection: ESCA (RG 233)

17

1 BY MR. DYMOND:

2 Q Did Mr. Shaw ever do anything that indicated to  
3 you his political feelings were liberal or  
4 conservative?

5 A Yes, he indicated on many occasions --

6 MR. ALCOCK:

7 I object, Your Honor.

8 THE COURT:

9 I sustain the objection.

10 BY MR. DYMOND:

11 Q Do you, Mr. Cobb, have any opinion as to what  
12 Mr. Shaw's political beliefs were?

13 MR. ALCOCK:

14 I object again, Your Honor.

15 MR. DYMOND:

16 If The Court please, that is something  
17 upon which an ordinary individual  
18 could have an opinion.

19 MR. ALCOCK:

20 He could only have it by having conversa-  
21 tions with him.

22 MR. DYMOND:

23 It could have been gained through actions  
24 and other things. I am sure Your Honor  
25 has opinions --



Reference copy, JFK Collection: NSCA (RG 233)

18

1 THE COURT:

2 It could have been gained in ways other  
3 than what was said by Mr. Shaw to  
4 Cobb.

5 MR. ALCOCK:

6 I think that ought to be established before  
7 the area is explored.

8 THE COURT:

9 See if you can find out.

10 BY MR. DYMOND:

11 Q Mr. Cobb, upon what do you base your opinion as  
12 to Mr. Shaw's political beliefs?

13 MR. ALCOCK:

14 He hasn't expressed an opinion.

15 THE COURT:

16 He asked if he had one.

17 THE WITNESS:

18 I have an opinion in answer to that ques-  
19 tion and it is based on discussions,  
20 and his general reputation with  
21 respect to his beliefs concerning  
22 political parties and the trend of  
23 the country.

24 BY MR. DYMOND:

25 Q Do you know other people that knew him?

Reference copy, JFK Collection: HSCA (RG 233)

19

1 A Naturally, yes, of course.

2 Q Among those people did you know what his  
3 reputation was about political beliefs?

4 MR. ALCOCK:

5 Any political beliefs professed by the  
6 Defendants are results of conversa-  
7 tions by him and others and is all  
8 hearsay.

9 MR. DYMOND:

10 Your Honor, the witness testified it was  
11 based basically on reputation.

12 THE COURT:

13 Mr. Alcock, Mr. Dymond has rephrased his  
14 question to bring it in the realm of  
15 general reputation alluding to  
16 character, and one of the traits,  
17 honesty, would be political thoughts  
18 or beliefs. It is a trait in a human  
19 being and since you laid a predicate  
20 I will permit it.

21 MR. ALCOCK:

22 Your Honor, I would like to suggest to The  
23 Court that if we are going into  
24 character traits that only that  
25 character trait is what is generally

Reference copy, JFK Collection: ESKA (RG 233)

1 known and not this man's appreciation 20  
2 of the character trait was.

3 THE COURT:

4 Will you explore that further?

5 MR. DYMOND:

6 Yes.

7 BY MR. DYMOND:

8 Q Mr. Cobb, did Mr. Shaw bear the reputation of  
9 being a conservative or a liberal?

10 A In my judgment he very definitely bears a  
11 reputation of being a liberal.

12 Q Have you ever known him to bear the reputation  
13 of a conservative?

14 A No, just the opposite.

15 Q Mr. Cobb, do you know whether or not Mr. Shaw  
16 ever took any active part in the Civil  
17 Rights movement?

18 THE COURT:

19 This is of his own knowledge.

20 THE WITNESS:

21 Of my own knowledge he did not and in his  
22 capacity of Managing Director of the  
23 Trade Mart if he had taken part it  
24 would have been objected to.

25 MR. DYMOND:

Reference copy, JFK Collection: HSCA (RG 233)

1 May I have those photographs of Oswald

21

2 and Ferrie?

3 BY MR. DYMOND:

4 Q Mr. Cobb, I show three, I show you a photograph  
5 which has been marked for identification  
6 State-40, and ask you whether you recognize  
7 that as anyone in whose company you have  
8 ever seen Clay Shaw?

9 A I do not recognize it.

10 Q I show you a photograph marked for identifica-  
11 tion State-1 and ask you the same question.

12 A No, I do not recognize him.

13 Q I show you a photograph marked State-3 and I  
14 will ask the same question.

15 A No.

16 Q I now show you a photograph marked for identi-  
17 fication State-16-T and ask you the same  
18 question.

19 A It looks like a corpse.

20 Q It is a corpse. Have you ever seen this person  
21 in the company of Clay Shaw?

22 A No.

23 Q Mr. Cobb, I show you a photograph marked for  
24 identification State-19, and ask you if  
25 you have ever seen that man in the company

Reference copy, JFK Collection: BSCA (RG 233)

22

1 of Clay Shaw?

2 A I have never seen this man anywhere at any time.

3 Q Now, of the people depicted in the photographs  
4 which I have just shown you, Mr. Cobb, have  
5 you ever seen any of those people in the  
6 International Trade Mart to your knowledge?

7 A I have no recollection of ever having seen any  
8 one of them anywhere any time.

9 Q Have you ever known Mr. Clay Shaw to go under  
10 any aliases or any other than his true  
11 name of Clay L. Shaw?

12 A No.

13 Q Have you ever known of him being known as  
14 Clay Bertrand?

15 A Not until this case arose and these allegations  
16 of that fact were made, prior to that I  
17 never have.

18 Q Have you ever known him to be known as Clem  
19 Bertrand?

20 A I would give the same answer to that.

21 Q Are you acquainted with an attorney named  
22 Dean Andrews?

23 A No. I know who he is.

24 Q Do you know him when you see him?

25 A No, I don't think I would but perhaps I would

Reference copy, JFK Collection: HSCA (RG 233)

1 from the newspaper publicity but I don't 23

2 recall ever having met him or being in his  
3 presence.

4 Q Have you ever seen his pictures published?

5 A Yes, I have seen it in the press.

6 Q Answer this question on the basis of the picture  
7 you have seen in the press. Have you ever  
8 seen him in the company of Clay Shaw or in  
9 the International Trade Mart Building?

10 A No.

11 Q Now, Mr. Cobb, referring back to November of 1963  
12 were you aware of any arrangements  
13 having been made by Mr. Shaw to go to the  
14 West Coast of this country?

15 A Yes.

16 Q To the best of your knowledge when did you  
17 become aware of such arrangements?

18 A In the early part of September, it may have  
19 been the late part of August but about  
20 that time.

21 Q Do you know what was the purpose of that trip?

22 A The purpose of the trip was to make an address  
23 on the West Coast having to do with the  
24 International Trade Mart of New Orleans  
25 and world trade.

Reference copy, JFK Collection: HSCA (RG 233)

1 Q Did you give any permission in connection with 24  
2 this trip or approve this trip?  
3 A I approved it.  
4 Q What was the proposed date of the trip,  
5 approximately, Mr. Cobb?  
6 A I didn't know at the time I approved it. It  
7 was to be in November.  
8 Q Did you have any question in your mind whether  
9 you would approve it or not and if so,  
10 why?  
11 A Well, at that time I wasn't approving any trips  
12 at all unless they appeared to be  
13 absolutely necessary, and we had one ob-  
14 jective and one objective alone and that  
15 was to consummate the sale of the bonds  
16 that were set for October 8 and delay  
17 extended to October 10. I during that  
18 period of time, I accepted no speaking  
19 engagements and I think I requested Shaw  
20 not to accept any, but this was going to be  
21 after the closing date and either we would  
22 have a deal or wouldn't have one, so it  
23 didn't make any difference and I approved  
24 it.  
25 Q Would you have approved an out of town trip for

Reference copy, JFK Collection: ESCA (RG 233)

Mr. Shaw during August, or September, or  
October of 1963?

25

A On a speaking engagement?

Q That is correct.

A I would not have approved it and I think I  
mentioned to Mr. Shaw that I did not want  
him to accept any speaking engagements  
during that period. My recollection is I  
told him that several times during the  
year because under prior administrations  
he accepted speaking engagements as in his  
discretion seemed appropriate.

Q Was there anything unusual about Clay Shaw  
accepting out of town speaking engagements?

A No, it had been going on for years.

Q Now, Mr. Cobb, of your own knowledge do you know  
who paid for this trip to the West Coast  
by Mr. Clay Shaw?

A Well, I have seen the correspondence and from  
the records of the Trade Mart the trip was  
paid for by the people in Portland direct  
to Travel Consultants.

MR. DYMOND:

I tender the witness.

CROSS-EXAMINATION



Reference copy, JFK Collection: ESCA (RG 233)

26

1 BY MR. ALCOCK:

2 Q Mr. Cobb, did you have occasion, let's limit  
3 this to 1963, did you have occasion to see  
4 Clay Shaw, the Defendant in this case much  
5 after working hours?

6 A I didn't hear the question.

7 Q Did you have occasion to see the Defendant much  
8 after working hours during the year 1963?

9 A Clay Shaw and I were never social friends and  
10 I had little or no social contact except  
11 in the performance of his duties with the  
12 Trade Mart. He had in charge visiting  
13 dignitaries or others and then I was in  
14 contact with him but I had, I may have had  
15 a drink with him or a group after office  
16 hours on occasion but other than that, no.

17 Q Have you ever been to his apartment?

18 A No, never.

19 Q I take it then, that in the summer of 1963 that  
20 after working hours you had little or no  
21 contact with him, is that correct?

22 A That is exactly what I said.

23 Q Do you recall what he was wearing on the  
24 Nashville Street Wharf that day when  
25 President Kennedy spoke?

1 A I don't recall what his apparel was on that  
2 occasion but it wasn't any different than  
3 what it was on other occasions or else I  
4 would have noticed it.

5 Q I take it then by your answer relative to no  
6 social contact that you don't know what  
7 he wore generally when he was away from  
8 the Trade Mart?

9 A No, I do not.

10 Q Do you recall what time you and Shaw arrived  
11 at the Nashville Street Wharf on the day  
12 the President spoke?

13 A I went out to the airport with, in a car I  
14 think our car was fourth or fifth and  
15 Mr. Nicholas Trist of St. Bernard Parish  
16 was in the car. It was an open sports  
17 car and my guess, and I'm only guessing,  
18 is that we arrived at the Nashville Street  
19 Wharf around 11:30 or so, but I don't  
20 remember particularly what time it was. I  
21 know the parade was a little delayed.

22 Q Were you with Mr. Trist?

23 A I was with Nicholas Trist and one or two other  
24 people but I don't recall who they were.

25 Q You stayed there the entire time the President

spoke?

A Yes. I think I was on the platform and nobody left the platform until the President left for security purposes.

Q Do you know, Mr. Cobb, or did you know, Mr. Cobb, whether or not the Defendant had relatives in Clinton, Louisiana?

A Relatives in what?

Q Clinton, Louisiana.

A I don't know.

Q Have you ever made any trips outside the City of New Orleans with the Defendant by automobile?

A You are going back over a long period of years.

Q Let's limit it to 1963.

A I am sure I did not.

Q I take it you knew he was from Hammond, is that correct?

A I knew he lived in Hammond but I didn't know his family and never met his mother or father.

Q Do you know Mr. Jeff Biddison?

A Yes.

Q Where did you know him from?

A I am a poodle lover.

1 Q A poodle?

2 A Yes. I have poodles and we had a poodle that  
3 was giving trouble around the house  
4 because we were trying to raise two male  
5 poodles in the same house and that didn't  
6 work, so my wife decided to get rid of one  
7 of them and we tried to pawn it off on  
8 many people and somehow or another we  
9 found out Jeff Biddison liked poodles and  
10 we maneuvered to get him to take it.

11 Q Is that the only occasion you met him on?

12 A I saw Jeff Biddison for a moment a couple of  
13 nights ago just to say hello and I don't  
14 think I've seen him in years.

15 Q Do you know whether or not the Defendant, Clay  
16 Shaw, was friendly with Jeff Biddison?

17 A I do not of my own knowledge, no, sir.

18 Q Do you know of your own knowledge what type of  
19 automobile Jeff Biddison drives?

20 A No, I have never seen his automobile. -- You  
21 said Biddison?

22 Q Yes.

23 A I have never seen him in an automobile.

24 Q Now did the Defendant come to you and request of  
25 you that he be allowed to make this

speaking engagement on the West Coast?

30

A There was a discussion between him and me in the latter part of August or September and these people from Portland had previously contacted the Trade Mart and they wanted Shaw, as I understood it at the time, and he said he would like to go about that time and there was to be some celebration out there, and I said "All right."

Q This was unusual because I think you testified you were against speaking engagements at that time?

A I was against speaking engagements while the Trade Mart financing was taking place but this was to take place in November. The Trade Mart processing had a deadline of October 8 and as I said before it didn't make any difference one way or the other whether he went, that is, from the Trade Mart viewpoint.

Q Do you know a gentleman by the name of Gordon Novell?

A No.

Q Do you ever recall his negotiating for a concession at the International Trade Mart?

1 A I don't know Novell. I have never been in con- 31  
2 tact with him and I have absolutely no  
3 knowledge that he ever approached the Trade  
4 Mart for any kind of concession.  
5 Q Did you know a Mr. Mario Bermudez in the summer  
6 of '63 and fall of '63?  
7 A Yes.  
8 Q What was his position?  
9 A In the fall of '63?  
10 Q In the fall of '63, correct.  
11 A In the fall of '63 I think Mr. Bermudez was -  
12 at first he was Executive Director or  
13 Executive Vice-President of the Cordell  
14 Hull Foundation and he was -- He may have  
15 been Secretary of the International  
16 Relations Committee of the City of New  
17 Orleans, but if he was not then he had  
18 been appointed Secretary General of the  
19 Inter-American Municipal Organization.  
20 I would have to look in the records to  
21 tell you precisely what his position was  
22 at that time.  
23 Q Do you know whether or not he knew the Defendant  
24 at that time, during that time?  
25 A Whether he was aware?

1 Q Whether or not he knew the Defendant Shaw dur- 32  
2 ing that time period.  
3 A I am sure he did know Shaw. They worked  
4 together.  
5 MR. ALCOCK:  
6 No further questions.  
7 RE-DIRECT EXAMINATION  
8 BY MR. DYMOND:  
9 Q One thing. You have testified you didn't have  
10 any contact with Mr. Shaw after working  
11 hours. What were your normal working hours  
12 during August, September and early  
13 October '63?  
14 A Mr. Dymond, I don't have any normal working  
15 hours and if I have work to do I do it and  
16 when I don't have work to do I do something  
17 else.  
18 Q Well, was your contact with Mr. Shaw confined  
19 to the hours say between 8:00 and 5:00  
20 o'clock, 8:00 in the morning and 5:00 in  
21 the evening?  
22 A Not during that period. During that period I  
23 suppose I got down to my office innumer-  
24 able times before 7:00 o'clock and maybe  
25 I didn't get home until 10:00 or 11:00 at

1 night. We were working right on through  
2 and I am not saying Shaw was there all the  
3 time, but he was always available to me,  
4 I could reach him, I knew where he was  
5 during the regular day and we were talking  
6 back and forth and agreements were coming  
7 over to me and I was either approving or  
8 sending them to Mr. Coleman's office for  
9 revamping and something was happening  
10 almost every minute of the day during that  
11 period. It was perhaps the busiest period  
12 during my entire life.

13 MR. DYMOND:

14 Thank you.

15 THE COURT:

16 Is Mr. Shaw released from the obligations  
17 of the subpoena -- I mean Mr. Cobb?

18 MR. DYMOND:

19 Yes, Mr. Cobb is.

20 ....oo...

21 MISS GOLDIE NAOMIE MOORE,  
22 a witness for the Defendant, after first being duly  
23 sworn by The Minute Clerk, was examined and testified  
24 as follows:

25 DIRECT EXAMINATION



1 BY MR. DYMOND:

2 Q Mrs. Moore, would you try to speak right in the  
3 end of that microphone and I don't think  
4 we will have any trouble.

5 A Yes.

6 Q For the record, Mrs. Moore, what is your name?

7 A Miss Goldie Naomie Moore.

8 Q Goldie Naomie Moore?

9 A Yes.

10 Q Where are you employed?

11 A I am employed as the Executive Secretary of the  
12 Plimsell Club and International Trade  
13 Mart.

14 MR. ALCOCK:

15 I ask that the witness speak a little  
16 louder.

17 THE COURT:

18 A little louder, Miss Moore.

19 BY MR. DYMOND:

20 Q How long have you been connected with the  
21 International Trade Mart, Miss Moore?

22 A Since February 6, 1946.

23 Q Are you acquainted with this Defendant,  
24 Mr. Clay L. Shaw?

25 A Yes, I am.

1 Q Did you ever know him to be employed by  
2 International Trade Mart?

3 A Yes, he was our Managing Director.

4 Q Who was there first, you or Mr. Shaw?

5 A Mr. Shaw, perhaps a few days after I came.

6 Q Now when Mr. Shaw was Managing Director of  
7 International Trade Mart, what was your  
8 position?

9 A I was his secretary.

10 Q And for how long were you his secretary?

11 A Oh, for 19 years, from the time I started until  
12 Mr. Shaw left the Trade Mart.

13 Q So when he left the Trade Mart, left his  
14 employment there, you were still his  
15 secretary, is that correct?

16 A That is correct.

17 Q So then, were you his secretary during the  
18 entire year 1963, Mrs. Moore?

19 A Yes, I was.

20 Q Will you please tell us as best you can the  
21 extent of your duties as secretary to  
22 Mr. Shaw?

23 A I handled his correspondence. I opened mail.  
24 I helped answer the telephone. I took all  
25 his dictation. I attended Board and

Executive Meetings and took minutes there-  
of. I answered some of the mail on my  
own as he instructed me to. I guess the  
usual duties of most executive secretaries.

Q Sort of a "Girl Friday" would you say?

A I think so.

Q Miss Moore, did you have occasion to handle any  
correspondence in connection with a trip  
by Mr. Shaw to the West Coast of this  
country, more particularly Oregon, in the  
year 1963?

A Yes, sir, I did.

Q Do you have with you any files or any written  
information?

A Yes, I do.

Q Miss Moore, from your file, if you have this  
information, what was the first correspon-  
dence concerning that trip?

A Well -- Thank you -- Mr. Shaw had been in cor-  
respondence with a Mr. Little -- I'm sorry  
-- in Portland.

THE COURT:

Don't you want the date of the correspon-  
dence?

BY MR. DYMOND:

1 Q In Portland?

2 A My first correspondence is May 10, 1963.

3 Q May I see that, please?

4 A Yes, sir.

5 MR. DYMOND:

6 Now, you want to see this, Mr. Alcock?

7 MR. ALCOCK:

8 Yes.

9 BY MR. DYMOND:

10 Q Miss Moore, you testified --

11 THE COURT:

12 May I have a look at it, Mr. Dymond. The

13 other day they were talking about an

14 exhibit and everybody saw it but me.

15 BY MR. DYMOND:

16 Q Miss Moore, I ask you to read this letter and

17 tell me if it was in connection with that

18 trip.

19 THE COURT:

20 Just read it to herself.

21 MR. DYMOND:

22 Right.

23 THE WITNESS:

24 I would say that it is. They, they had

25 in mind building a Trade Mart and

1 then -- I am sorry, -- and later on  
2 when the people wanted to convince  
3 the public they then invited Mr. Shaw  
4 in the fall of the year as a speaker.

5 Q Is it a fact that this letter of May 10 does  
6 not specifically refer to that trip?

7 A That is right.

8 Q May I see the next letter you have.

9 A Yes, sir.

10 (Document is exhibited to Counsel  
11 for the State and The Court.)

12 THE COURT:

13 Would you mark that letter.

14 MR. DYMOND:

15 We are not going to use this other letter.

16 Mark it "D-21" as long as we talked  
17 about it and I will give the letter

18 "D-21" which is the letter of May 10.

19 BY MR. DYMOND:

20 Q Now, Mrs. Moore, I show you a letter dated  
21 September 11, 1963, from the First  
22 National Bank of Oregon, Portland, Oregon,  
23 marked for identification "D-22" and I ask  
24 you whether you can identify this is as  
25 a letter received at the International

Trade Mart?

A I can.

MR. DYMOND:

If The Court please, in connection with  
this witness I would like to offer,  
file and produce this letter marked  
D-22 in evidence.

THE COURT:

Did you see it, Mr. Alcock?

MR. ALCOCK:

Yes, sir.

MR. DYMOND:

With The Court's permission I would like  
to read the letter to the Jury.

MR. ALCOCK:

No objection.

THE COURT:

No objection, so you may read it.

MR. DYMOND:

I would first read the letterhead, which  
of course is not part of the letter,  
its First National Bank of Oregon,  
Portland, International Banking  
Department, 400 S.W. Sixth, Post  
Office Box 3457, Portland 8, Oregon.

1 Cable Address: MULTNOMAH. It is  
2 dated September 11, 1963 addressed to  
3 Mr. Clay Shaw, Executive Director,  
4 New Orleans International Trade Mart,  
5 New Orleans, Louisiana.

6 "Dear Mr. Shaw:

7 "As President of the Columbia  
8 Basin Export-Import Conference I am  
9 very pleased to learn that you have  
10 accepted our invitation to be the  
11 Tuesday Noon, November 25 speaker  
12 before Portland Rotary and the Con-  
13 ference. I know that your experience  
14 in the promotion of international  
15 trade will do much to make your talk  
16 a highlight of this Conference and  
17 will certainly leave many ideas with  
18 us. As Bob Sweaney told you, the  
19 theme of our Conference, 'Is Europe,  
20 Our Market?', is quite pertinent  
21 since we traded \$110 Million with  
22 that area in 1962 through the Oregon  
23 Customs District. This trade is  
24 about three to one in our favor and  
25 for the most part runs in basic

1 commodities, although manufactured  
2 items are showing some increase. I  
3 would hope that your talk could make  
4 major reference to the European mar-  
5 ket but conclude on a positive note  
6 that will influence people to think  
7 of the potential of establishing a  
8 Columbia Basin World Trade Center in  
9 Portland.

10 "The Columbia Basin Export-  
11 Import Conference has been a very  
12 loosely-knit, volunteer group of  
13 people putting on a program once a  
14 year for the purpose of promotion of  
15 international trade in our area. Al-  
16 though we are now incorporated not  
17 only to maintain this function but  
18 also to take on additional activities  
19 such as possibly a world trade center,  
20 our finances are quite limited since  
21 we have existed only from the regis-  
22 tration fees of the Conference.  
23 However, recognizing the importance  
24 of your presence, not only toward a  
25 successful Conference, but also to



1 the furthering of a World Trade  
2 Center idea, we will be pleased to  
3 reimburse you for your actual  
4 expenses.

5 "I am leaving today for an ex-  
6 tended trip to Europe, and I would  
7 hope that you would send necessary  
8 photos and biographical sketch to  
9 Robert Sweaney, Manager, Chamber of  
10 Commerce, Portland, Oregon who is the  
11 program chairman of our conference.

12 "Sincerely yours,

13 "/s/ Bill Wells

14 "William R. Wells

15 "Vice-President in Charge

16 "International Banking Depart-  
17 ment."

18 BY MR. DYMOND:

19 Q Now, Miss Moore, this letter marked for identi-  
20 fication D-22 refers to Mr. Wells having  
21 learned that Mr. --

22 MR. ALCOCK:

23 I object, Your Honor, as the letter speaks  
24 for itself.  
25

1 THE COURT:

2 I sustain the objection.

3 BY MR. DYMOND:

4 Q Very well. Will you refer to the letter in  
5 connection with my question, Miss Moore.  
6 Do you know of any written correspondence,  
7 or correspondence of another type, that  
8 is, telephonic, telegraphic or otherwise,  
9 that preceded this letter but covered the  
10 same subject?

11 A I received a call from Mr. Sweaney in which he  
12 asked for a photograph and biographical  
13 sketch of Mr. Shaw and I wrote him on the  
14 18th, sending this material.

15 Q Let me ask you this: Did you participate in  
16 any conversations or know of any conver-  
17 sations before the date -- oops, excuse  
18 me, -- before the date of this September  
19 11 letter?

20 A There was, I don't recall the exact date but  
21 our records, our telephone records show  
22 there was calls between Mr. Shaw and  
23 Portland.

24 Q Could you tell us approximately how long before  
25 September 11, 1963?

1 MR. ALCOCK:

2 Unless we get the records it is hearsay.

3 THE COURT:

4 I think, Mr. Dymond, if the witness spoke  
5 on the telephone she can state yes  
6 or no she did have conversations  
7 without going into what the conversa-  
8 tions were.

9 BY MR. DYMOND:

10 Q Did you participate in any phone calls, or  
11 receive any phone calls, concerning this  
12 subject matter prior to September 11, '63?

13 A Not I, sir.

14 THE COURT:

15 Mrs. Moore --

16 THE WITNESS:

17 This is the only telephone I had direct  
18 with Oregon.

19 THE COURT:

20 That is what he is asking and the answer  
21 is "Yes, you did."

22 BY MR. DYMOND:

23 Q The phone calls you received were after this  
24 date, is that correct?

25 A On this date, sir.

1 MR. ALCOCK:

2 The 18th.

3 BY MR. DYMOND:

4 Q The 18th. Miss Moore, do you have in your  
5 possession any brochures concerning this  
6 trade conference referred to in the letter  
7 D-22?

8 A Yes, sir, I do.

9 Q And --

10 THE COURT:

11 Miss Moore, I can't hear you because you  
12 are speaking to Mr. Dymond but it has  
13 to go to the Jury.

14 THE WITNESS:

15 Yes, sir, I do.

16 BY MR. DYMOND:

17 Q Now how did you come -- Just one moment,  
18 Miss Moore. Miss Moore, I now show you a  
19 brochure you have just handed to me and  
20 which I have marked D-23 and I ask you  
21 how you came in possession of this?

22 A Uh, I wrote the Harbor News on November 13.

23 I understood Mr. Edward A. Leeland --

24 MR. ALCOCK:

25 I object, Your Honor.

1 THE COURT:

2 The objection is well taken.

3 Did you receive that in the  
4 mail?

5 THE WITNESS:

6 Yes, sir.

7 THE COURT:

8 Personally or in the mail?

9 THE WITNESS:

10 In the mail, yes.

11 BY MR. DYMOND:

12 Q Was that at the International Trade Mart that  
13 you received this?

14 A Yes, sir.

15 MR. DYMOND:

16 In connection with the testimony of this  
17 witness I'd like to offer, file in  
18 evidence the brochure marked D-23.

19 MR. ALCOCK:

20 If Your Honor please, I think The Court  
21 ought to look at the brochure. It is  
22 totally irrelevant except for one  
23 small portion.

24 THE COURT:

25 I will permit it as corroborative evidence.

1                   You might note for the record it is  
2                   the October '63 issue.

47

3           MR. DYMOND:

4                   That is correct.

5           THE COURT:

6                   I will admit D-23 for corroborative  
7                   evidence.

8           MR. DYMOND:

9                   All right. May I show it to the Jury?

10          THE COURT:

11                   Yes.

12          MR. DYMOND:

13                   Pass this down the line, please.

14          BY MR. DYMOND:

15          Q       Now, Miss Moore, were you Mr. Shaw's secretary  
16                   during the negotiation of the leases for  
17                   the new Trade Mart Building back in '63?

18          A       Yes, sir, I was.

19          Q       Was there anything unusual about the work load,  
20                   at that time during the say 90 days pre-  
21                   ceding the windup of the leasing?

22          A       It was a tremendous task we had to accomplish.

23          Q       Now when you say "tremendous task we had to  
24                   accomplish," whom are you referring to?

25          A       Mr. Shaw --

1 THE COURT:

2 Speak louder, please.

3 THE WITNESS:

4 Mr. Shaw and I helped in typing up offers  
5 to lease and Mr. Shaw attended many  
6 meetings and we had correspondence in  
7 regard to offers to lease.

8 BY MR. DYMOND:

9 Q Did you during that period have any occasion  
10 to be in touch with Mr. Lloyd Cobb?

11 A Mr. Cobb was our President. He met many times  
12 with Mr. Shaw.

13 Q During the approximate 90 days preceding the  
14 windup of the lease negotiations would you  
15 say that that period was a usual period  
16 of work for Mr. Shaw or unusual, and if  
17 unusual, in what respect?

18 A I would say that it was, it was unusual because  
19 we were trying, we wanted to build the  
20 new Trade Mart and therefore in order to  
21 do so our work load was much heavier.

22 Q Do you recall any days, any work days, on which  
23 Mr. Shaw was absent from the office in that  
24 period?

25 A Only one.

1 Q When was that if you recall?

2 A September 25.

3 Q And how do you happen to recall that day,

4 Miss Moore?

5 A I had occasion to call Hammond where his mother  
6 and father lived because I had a call from  
7 our of our Directors --

8 MR. ALCOCK:

9 I object to that, Your Honor.

10 THE COURT:

11 I think she has answered the question and  
12 the reason why isn't important.

13 BY MR. DYMOND:

14 Q Do you know Mr. Shaw's voice on the telephone  
15 when you hear it?

16 A Yes, I do.

17 Q Were you able to reach Mr. Shaw on the telephone  
18 while he was in Hammond?

19 A Yes, sir, I did.

20 Q Approximately what time, what time of day or  
21 night was that, Miss Moore?

22 A Well, I would say probably sometime before  
23 4:00 or 5:00 o'clock, I can't really say  
24 the exact hour.

25 THE COURT:



1 I would assume you mean 5:00 p.m.?

2 THE WITNESS:

3 Yes, sir.

4 BY MR. DYMOND:

5 Q To your knowledge were there any other work  
6 days that he was absent from the office  
7 during that period?

8 A No, sir.

9 Q Were you absent from the office during any of  
10 that work period?

11 A No, sir.

12 Q Now, Miss Moore, you testified one of your  
13 duties was to open the mail, is that cor-  
14 rect?

15 A That is correct.

16 Q Did you ever receive any letters at the Trade  
17 Mart addressed to either Clay Bertrand or  
18 Clem Bertrand?

19 A Never.

20 Q Have you ever known Mr. Shaw to go by any name  
21 other than his true name of Clay L. Shaw?

22 A I have never known him to go by any other name.

23 Q Have you ever received any telephone calls for  
24 a person by the name of Clay Bertrand or  
25 Clem Bertrand?

1 A No, sir.

2 (RECESS)

3 THE COURT:

4 Is the State and Defense ready to proceed?

5 MR. DYMOND:

6 Yes, sir.

7 MR. ALCOCK:

8 Yes, sir.

9 THE COURT:

10 You may proceed, Mr. Dymond.

11 BY MR. DYMOND:

12 Q Miss Moore, do you know who paid Mr. Shaw's  
13 expenses on that trip to Portland?

14 A The Portland Basin Association asked him to  
15 address them.

16 Q Do you have any correspondence or any other  
17 documents in your file which might indi-  
18 cate who paid this bill?

19 A Yes, sir, I do.

20 Q May I see what you have, please.

21 A (The witness complies with request of Counsel.)

22 BY MR. ALCOCK:

23 May I see it, Irvin?

24 BY MR. DYMOND:

25 Q Miss Moore, I show you a copy --

1 THE COURT:

2 May I see it for just a second?

3 BY MR. DYMOND:

4 Q Miss Moore, I show you a copy of a letter dated  
5 December 4, 1963 which has been marked for  
6 identification D-24 and I asked you whether  
7 you typed the original of this letter?

8 A I did, sir.

9 Q And what was done with the original?

10 A I mailed it to Mr. Wells.

11 Q And who is Mr. Wells?

12 A Vice-President in Charge of the International  
13 Banking Department, First National Bank of  
14 Oregon, Post Office Box 3457, Portland 8,  
15 Oregon.

16 MR. DYMOND:

17 In connection with the testimony of this  
18 witness I'd like to offer, file and  
19 produce in evidence this copy of the,  
20 letter marked D-24 and I'd like to  
21 read it to the Jury.

22 THE COURT:

23 Any objections?

24 MR. ALCOCK:

25 As I appreciate the letter it was written

by the Defendant and it is hearsay.

53

THE COURT:

It is corroborative evidence and I will  
permit it. You may read it.

MR. DYMOND:

December 4, 1963.

"Mr. William R. Wells, Vice-  
President in Charge, International  
Banking Department, First National  
Bank of Oregon, Post Office Box 3457,  
Portland 8, Oregon.

"Dear Bill:

"I am back home again safe and  
sound but still seem to have the cold  
I picked up in the West. Everything  
out your way seemd to be bigger and  
better, including Bunyon size  
microbes.

"It was certainly good to be with  
you and I hope the talk will do some  
good. I am certainly appreciative of  
all your kindness and hospitality,  
particularly in view of the trying  
circumstances surrounding the occasion.

"I am enclosing herewith bill in

1 the amount of \$346.66 from Travel  
2 Consultants, Inc. who booked my  
3 transportation and I would appreciate  
4 it if you would have the Columbian  
5 Basin Export-Import Conference send  
6 a check directly to them in Room 100,  
7 International Trade Mart, 124 Camp  
8 Street, New Orleans, Louisiana.

9 "Please thank all your associates  
10 for their kindnesses to me and if  
11 there is any further information that  
12 you think might be helpful in further-  
13 ing your World Trade Center in Port-  
14 land, please do not hesitate to call  
15 upon me for anything I can tell you.

16 "Regards,

17 "Sincerely,

18 "/s/ Clay L. Shaw

19 "P.S. I will be most grateful  
20 if you could have someone send back  
21 the blow-up photograph of the Trade  
22 Mart by Railway Express collect.

23 Thanks."

24 BY MR. DYMOND:

25 Q Now, Miss Moore, as a result of that letter do

you know whether the bill with Travel

Consultants Inc. was paid?

A I would say it was. We, I never received the  
check though.

Q Did you ever receive another bill from them?

A No, sir.

Q Now, Miss Moore, I show you a photograph marked  
for identification as State-1, which has  
been identified as a photograph of Lee  
Harvey Oswald, and ask you whether you have  
ever seen this person in the company of  
the Defendant Clay Shaw or otherwise?

A Never.

Q I show you a photograph which has been marked  
for identification S-19, having been  
identified as a photograph of Lee Harvey  
Oswald with a beard drawn on it and I ask  
you whether you recognize that as any  
person with whom you have ever seen  
Mr. Clay Shaw, or whom you have ever seen  
otherwise?

A I do not recognize him.

THE COURT:

Keep your voice raised.

THE WITNESS:

1 I do not recognize him.

2 BY MR. DYMOND:

3 Q Now I show you a photograph marked for identi-  
4 fication State-10, being a photograph of  
5 the late David W. Ferrie and I ask you  
6 whether you have ever seen that man with  
7 Mr. Clay Shaw or have you ever seen him  
8 anyplace else?

9 A I have never seen him with Mr. Clay Shaw or  
10 any other place.

11 Q Now, Miss Moore, in the years that you have  
12 known Mr. Shaw have you become familiar  
13 with his manner of dress?

14 A He always wore a conservative business suit.

15 Q Have you ever known him to wear tight pants?

16 A Never.

17 Q Have you ever known him to wear a hat?

18 A Never.

19 Q Have you ever seen him with a hat on --

20 A No, sir, -- except once a military hat, he  
21 didn't have it on but he had it in his  
22 hand right before he was dismissed from  
23 the Military Service.

24 Q Right before he was dismissed from the Military  
25 Service?

1 A Yes.

2 Q Miss Moore, have you ever known Mr. Shaw to go  
3 by any other name other than Clay L. Shaw?

4 A No, sir.

5 Q Have you ever known him to go by the name of  
6 Clay Bertrand?

7 A Never.

8 Q Or Clem Bertrand?

9 A Never.

10 Q Do you know a lawyer by the name of Dean  
11 Andrews?

12 A I do not know him, no, sir.

13 Q Have you ever seen Mr. Andrews to your know-  
14 ledge?

15 A No, sir.

16 Q Have you ever seen photographs of him in the  
17 press?

18 A Yes, I have those.

19 Q Based upon your having seen photographs of  
20 Mr. Andrews have you ever seen him in the  
21 International Trade Mart Building or in  
22 Mr. Shaw's office?

23 A No, sir.

24 Q Have you ever seen him with Mr. Shaw at any  
25 time?



1 A Never.

2 MR. DYMOND:

3 Just before I tender this witness, Your  
4 Honor, I have consulted with the State  
5 and they have no objections of my  
6 substituting a photostat of D-22.  
7 Miss Moore is concerned over keeping  
8 her files intact.

9 THE COURT:

10 That copy of the letter that was given  
11 to you you can go get it photostated.

12 MR. DYMOND:

13 You don't need that brochure in your file?

14 MISS MOORE:

15 I think I have an extra one.

16 THE COURT:

17 We will get you a copy of the copy.

18 MR. DYMOND:

19 I tender the witness.

20 CROSS-EXAMINATION

21 BY MR. ALCOCK:

22 Q Miss Moore, were you Mr. Shaw's secretary for  
23 approximately 19 years, is that correct?

24 A Yes, sir.

25 Q Were you his personal secretary?

1 A His personal secretary.

2 Q I see. And during that 19-year period, have  
3 you ever been to the Defendant's apartment?

4 A Never.

5 Q You know any of his social friends away from  
6 work?

7 A A few, yes.

8 Q Who might they be?

9 A A Mr. Biddison.

10 Q You know -- Have you ever met Mr. Biddison?

11 A Yes, I have met Mr. Biddison.

12 Q When did you first meet Mr. Biddison?

13 A Oh, I would assume at least 10 years ago.

14 Q 10 years ago?

15 A Yes, sir.

16 Q Do you know whether or not the Defendant and  
17 Mr. Biddison were close friends?

18 A Yes, close.

19 Q Have you seen them together on occasion?

20 A Uh, occasionally.

21 Q Do you know where Mr. Biddison lives?

22 A Not at present.

23 Q Did you ever know where he lived?

24 A I believe he lived on Barracks Street somewhere.

25 Q Barracks Street. Do you remember how long ago

that was?

2 A No, it has been quite a while.

3 Q Do you know of your own knowledge whether or  
4 not the Defendant ever lived with  
5 Mr. Biddison or Biddison ever lived with  
6 the Defendant?

7 A No, I do not.

8 Q Is it your testimony, Miss Moore, that you did  
9 generally not have any association with the  
10 Defendant after working hours, is that what  
11 you testified to?

12 A My association with the Defendant after working  
13 hours would be at social events that were  
14 given by the International Trade Mart.

15 Q Other than that did you have any social associ-  
16 ation with him?

17 A No, sir, I hadn't.

18 Q Do you know any, I think you mentioned  
19 Mr. Biddison, do you know anyone else that  
20 might have been a friend of his away from  
21 the Trade Mart and not connected with the  
22 Trade Mart?

23 A A Mrs. Edgar Stern; --

24 THE COURT:

25 Speak louder, Miss Moore.

THE WITNESS:

A Mrs. Edgar Stern, a Mrs. Muriel Frances  
Bultman, -- must they be in New  
Orleans?

BY MR. ALCOCK:

Q No.

A There was a Mrs. Wren, a Mr. and Mrs. Wren in  
Shreveport.

Q Would that be as many as you might know right  
offhand?

A Right offhand, yes, sir.

Q Now this 90 day period you were talking about,  
could you tell me when this commenced, this  
90-day program you were talking about that  
you were so busy on?

A I would say August, September, October -- that  
would be four months, say, September,  
October, November 1963.

Q September, October and November of '63?

MR. WEGMANN:

That isn't what the witness said, she  
said August, September and October.

MR. ALCOCK:

Your Honor, I'm going to ask Mr. Wegmann  
not to testify.

1 MR. WEGMANN:

2 Well, then, don't misquote the witness.

3 THE COURT:

4 Would you repeat your answer, Miss Moore,  
5 in a loud, clear voice?

6 THE WITNESS:

7 September, October and November.

8 BY MR. ALCOCK:

9 Q Thank you. That is what I thought you said. It  
10 was during this crash program or crash  
11 period that the Defendant made this trip  
12 to the West Coast?

13 A He made it in November.

14 Q Do you recall on what date he left for the  
15 West Coast?

16 A The 15th of November.

17 Q Do you recall on what date he returned?

18 A No, sir, I do not.

19 Q Do you know of your own knowledge whether or not  
20 he returned directly from the West Coast  
21 or whether he went to some other destina-  
22 tion prior to coming back?

23 A He was routed through Chicago and I don't  
24 recall whether he stopped there or not.

25 Q Now, Miss Moore, do you recall the Defendant in

1                   the year 1963 renting any space to a  
2                   Cuban organization in the International  
3                   Trade Mart?  
4       A       1963?  
5       Q       1963.  
6       A       No, I don't recall for the moment.  
7       Q       Do you recall him ever renting any space for  
8                   a Cuban organization or lending any  
9                   Cuban organization -- use it free of charge  
10                  for a time?  
11      A       I don't recall.  
12      Q       You don't recall?  
13      A       No.  
14      Q       Do you recall testifying before the Orleans  
15                  Parish Grand Jury on August 23, 1967?  
16      A       Yes, I do.  
17      Q       Do you recall testifying at that time that the  
18                  Defendant did either rent or allow a  
19                  Cuban organization to use space at the  
20                  Trade Mart?  
21      A       I, uh, he may have -- I may have remembered  
22                  better at that time. I don't know..  
23      Q       Does it ring a bell at all with you now?  
24      A       Are you alluding to the Cuban Trade Commissioner  
25                  and Consul?

1 Q No, no.

2 MR. DYMOND:

3 Your Honor please, we are going to object  
4 unless the State tells the witness  
5 to what he is alluding.

6 MR. ALCOCK:

7 She can answer the question, Your Honor.

8 BY MR. ALCOCK:

9 Q Do you recall testifying to that effect before  
10 the Orleans Parish Grand Jury?

11 MR. DYMOND:

12 I ask that my objection be ruled on.

13 THE COURT:

14 I cannot tell the State or Defense how to  
15 cross-examine the witness if they are  
16 pursuing it along the proper lines and  
17 are attacking the credibility of a  
18 witness. I see no objection to the  
19 way the questions are being put so I  
20 will overrule your objection.

21 BY MR. ALCOCK:

22 Q You recall that, Miss Moore?

23 A I think it sort of comes back vaguely that for  
24 a very short while there was some organi-  
25 zation called Americans Free Cuba or

1 something of that and they were there for 65  
2 a very short while.  
3 Q Do you recall when that was?  
4 A No, I don't recall the exact year, sir.  
5 Q Could it have been the Freedom Democratic  
6 Party Cuban?  
7 A Yes, that sounds more like it.  
8 Q The word freedom was in the title that you  
9 recall?  
10 A Yes.  
11 Q Miss Moore, have you ever seen Mr. Biddison  
12 driving his automobile?  
13 A No, I haven't.  
14 Q Do you know of your own knowledge what type  
15 automobile he drove in 1963?  
16 A No, I do not.  
17 Q Miss Moore, you testified that except for social  
18 functions surrounding the duties, your  
19 duties at the Trade Mart, that after work-  
20 ing hours you had no social acquaintances  
21 or acquaintances with the Defendant, is that  
22 correct?  
23 A Yes, sir, that is correct.  
24 Q Would that also hold true for weekends?  
25 A That is correct.



Q And you could think of no other personal

acquaintances of the Defendant away from  
the Trade Mart except the three that you  
have told us, is that correct, also?

A At the moment I cannot think of any.

MR. ALCOCK:

That's all.

RE-DIRECT EXAMINATION

BY MR. DYMOND:

Q One thing, Miss Moore: Do you have any documents in your file which would indicate reasonably specifically when the end of the lease negotiations for the New Trade Mart, that is, when all the leases, the negotiations were completed? Do you have anything in your file to that effect?

A No, I do not have them with me. The ones that were taken to New York in order to consummate the financing, I think the last one was in November sometime and then of course later on there were additional ones.

Q Do you remember when the deadline was for the commitments on the leases, the date of the deadline?

A I think it was November 9.

1 MR. DYMOND:

2 That is all.

3 MR. ALCOCK:

4 No further questions.

5 THE COURT:

6 Miss Moore, you are excused from the  
7 obligations of the subpoena.

8 Mr. Dymond, we have a very weak  
9 copy but if we need it you can get a  
10 better copy from her. That is the  
11 copy of the copy.

12 ...oOo...

13 REX L. KOMMER,  
14 a witness for the Defense, after first being duly  
15 sworn by The Minute Clerk, was examined and testi-  
16 fied as follows:

17 DIRECT EXAMINATION

18 BY MR. WILLIAM WEGMANN:

19 Q Mr. Kommer, for the record your full name is

20 Rex L. Kommer, is that correct?

21 A That is correct.

22 Q What is your occupation?

23 A Meteorologist, United States Weather Bureau.

24 Q Are you presently employed by them?

25 A Yes, sir, I am.

1 Q Did you at our request obtain copies of the  
2 Climatological Data for the months of  
3 September and October 1963?

4 A I did.

5 Q I show you two documents I have marked D-25  
6 and -26 for identification -- I show you  
7 first the document which has been identi-  
8 fied D-25 and I ask you to examine same  
9 and I ask you if you are familiar with it?

10 A Yes, sir, I am.

11 Q And what does that represent, Mr. Kommer?

12 A This is the Climatological Data for the State  
13 of Louisiana which is published by the  
14 Department of Commerce for the date of  
15 December, 1963.

16 The reason we have to refer to this  
17 month to get the delayed data that was  
18 for the City of Clinton for August which  
19 was published in this December issue.

20 Q The document that I have shown you contains  
21 data for the month of August for Clinton,  
22 Louisiana?

23 A That is correct.

24 Q Would you tell The Court and Gentlemen of the  
25 Jury what the average daily high and daily

1 low for the entire month of August in

2 Clinton, Louisiana was in the year 1963.

3 A For the year 1963 the average temperature, high  
4 temperature, for Clinton, Louisiana was  
5 93.3 degrees and the low was an average  
6 minimum temperature of 69.3 degrees.

7 Q Now at our request, Mr. Kommer, have you made a  
8 calculation as to the average high for the  
9 last 15 days in the month of August, '63?

10 A Yes, sir, I have. The average high was 92.1.

11 THE COURT:

12 What?

13 THE WITNESS:

14 92.1.

15 BY MR. WILLIAM WEGMANN:

16 Q Now I show you a document previously marked  
17 D-26 for identification and ask you whether  
18 this contains the information for the month  
19 of December '63?

20 A Yes, this is the climatological data for the  
21 State of Louisiana for September 1963.

22 Q Does that cover the station at Clinton,  
23 Louisiana?

24 A Yes, it does.

25 Q What was the average monthly high and monthly

low for September?

A For September the average high was 87.8 degrees  
and the low -- you want the low too?

Q Please.

A 65.3, that is taking the entire 30 days of the  
month.

Q Did you make any calculations for the first 15  
days of the month of September?

A The first 15 days of September 1963 the, a  
93.1 for the average high maximum tempera-  
ture.

Q Is there a weather station at Clinton,  
Louisiana?

A We have an observation station there in  
Clinton.

Q So those temperatures come from Clinton,  
Louisiana itself?

A That is correct.

MR. WEGMANN:

That is all the questions I have. In  
connection with the testimony of the  
witness I offer, introduce and file  
in evidence the documents marked  
D-25 and D-26.

THE COURT:

Any objections?

71

MR. ALCOCK:

No.

THE COURT:

Without objection let it be entered.

MR. ALCOCK:

I would like to have the document to  
examine.

CROSS-EXAMINATION

BY MR. ALCOCK:

Q Mr. Kommer, directing your attention to  
Defense Exhibit-26, you have given us an  
average temperature -- this would be the  
month of September or August?

A This would be September.

Q You have given us --

A I gave you the average for the whole month and  
also the average for the first 15 days.

Q Would you give us the high and low for the  
first 15 days for the month of September?

A The first, the 1st of September the high was  
92 and the low 68; the 2nd was 94 high,  
the low of 70; the 3rd was 94 for a max.  
and 72 for a minimum; 94 and 72 for the 4th;  
the 5th, 95 and 71; the 6th, 94 and 70; the

1 7th was 95 and 69; the 8th 95 and 72; the  
2 95 and 67; the 10th was 96 and 67; the  
3 11th was 95 and 69; the 12th was 93 and 68;  
4 the 13th was 91 and 68; the 14th was 86  
5 and 67; and the 15th was 87 and 70 degrees.

6 Q Would it be a fair statement to say that  
7 generally there is almost a 25 to 30-degree  
8 drop in temperature approximately?

9 A I think it'd be more like 25 degrees.

10 Q A 25-degree drop. Now what time were these  
11 recordings made?

12 A Well, the maximum and minimum temperatures are  
13 -- a reading is taken at 5:00 o'clock in  
14 the afternoon and it is off of a Weather  
15 Bureau thermometer which measures minimum  
16 and maximum temperatures and that would be  
17 taken at 5:00 o'clock in the afternoon.

18 Q I see. The maximum may have occurred at any  
19 time during the day and the minimum at  
20 any time during the night.

21 A Right.

22 Q I see. In other words you can't say when, the  
23 time during the day the temperature was at  
24 that maximum, is that correct?

25 A That is correct.

1 Q Mr. Kommer, where did you reside in September,  
2 August and September 1963?

3 A In Metairie, Louisiana.

4 Q Is it a fair statement to say, Mr. Kommer,  
5 generally as the afternoon wears on the  
6 temperature might drop considerably?

7 MR. WEGMANN:

8 We object to this as this gentleman has  
9 not been qualified as an expert.

10 THE COURT:

11 I don't think he needs to be an expert to  
12 answer the question. I overrule the  
13 objection.

14 THE WITNESS:

15 You're speaking of after sundown?

16 MR. ALCOCK:

17 Prior to sundown, say about 4:00 o'clock  
18 in the afternoon.

19 THE WITNESS:

20 Many times we have our maximum temperature  
21 around 3:00 o'clock and it doesn't  
22 start falling until after dark as a  
23 rule.

24 BY MR. ALCOCK:

25 Q I take it then that you were not in the Clinton



Thank you, sir, that is all the questions  
I have.

1 THE COURT:

2 Do you have any other questions,

3 Mr. Alcock?

4 RE-CROSS-EXAMINATION

5 BY MR. ALCOCK:

6 Q In other words, Mr. Kommer, in the latter part  
7 of August '63, from the 15th on say, they  
8 had at least nine days when the temperature  
9 was in the 60's and some as low as 60?

10 A That is correct.

11 MR. WEGMANN:

12 I have no further need of Mr. Kommer.

13 THE COURT:

14 You are excused from the subpoena,

15 Mr. Kommer.

16 MR. ALCOCK:

17 Your Honor, at this time we would like  
18 to ask for a 5-minute recess so we  
19 can confer with Mr. Alford for  
20 Mr. Frazier's testimony.

21 THE COURT:

22 I will grant a 5-minute recess.

23 (RECESS.)  
24  
25

JFK ASSASSINATION SYSTEM

IDENTIFICATION FORM

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INDEX

Robert A. Frazier

COPY TO

Robert Blakey  
Gary Cornwell  
Kenneth Klein  
Charlie Mathews  
Jim Wolf  
Donovan Gay  
Jackie Hess  
Cliff Fenton

Team #1

Team #2

Team #3

Team #4

Team #5

Form #2

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

STATE OF LOUISIANA

198-059

002033

VERSUS

1426(30)

CLAY L. SHAW

SECTION "C"

PROCEEDINGS IN OPEN COURT,  
FRIDAY, FEBRUARY 21, 1969  
AND  
SATURDAY, FEBRUARY 22, 1969

B E F O R E: THE HONORABLE EDWARD A. HAGGERTY, JR.,  
JUDGE, SECTION "C"

I N D E X

<u>WITNESS:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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ROBERT A. FRAZIER	1	71	186	193
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E X H I B I T S

<u>NUMBER</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>RECEIVED</u>
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S-61	88 - 97	97	97
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S-62	91 - 99	99	100
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S-63	92 - 100	94 - 101	101
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S-64	92 - 149	94 - 150	150
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S-65	94 - 162	162	163
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S-66	152	156	156
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N/1

...oOo...

ROBERT A. FRAZIER,

a witness for the Defense, after first being duly sworn by The Minute Clerk, was examined and testified as follows:

DIRECT EXAMINATION

MR. DYMOND:

Your Honor, we would like to announce to The Court that we intend to proceed to qualify Mr. Frazier to testify as an expert in the field of ballistics.

THE COURT:

Very well.

BY MR. DYMOND:

Q Mr. Frazier, for the record would you please state your full name.

A Robert A. Frazier.

Q And what is your employment, Mr. Frazier?

A I am a Special Agent of the Federal Bureau of Investigation assigned to the Federal Bureau of Investigation Laboratory in Washington, D.C.

Q Now do you have any specialized duties in connection with your work with the Federal Bureau of Investigation?

N/2

1 A I am presently employed as the Chief of the  
2 Firearms & Tool Marks in the Physics and  
3 Chemistry Section.

4 Q Mr. Frazier, have you had any specialized  
5 training in the field of ballistics?

6 A Yes, sir, I have.

7 Q Would you kindly give us a resume of this  
8 training which you have had?

9 A Following a science degree which I received in  
10 1940 from the University of Idaho I  
11 entered the F.B.I. Laboratory and received  
12 the specialized training given by the  
13 firearms identification specialist in the  
14 laboratory working towards the position of  
15 firearms identification specialist. This  
16 training lasted approximately one year and  
17 involved all aspects of firearms work, that  
18 is comparing bullets with firearms; compar-  
19 ing cartridge cases with firearms to  
20 determine whether or not the bullet or  
21 cartridge case were fired in a particular  
22 weapon. It included examining ammunition  
23 components to determine their manufacturer  
24 and calibre and the type of weapon from  
25 which they may have been fired based on



1 rifling characteristics impressed for  
2 instance in a fired bullet. It included  
3 making gun pattern tests, shot pattern  
4 tests, noting the effect of projectiles  
5 such as bullets fired against glass, the  
6 type of break, the type of bullet holes  
7 produced.

8 This course involved comparing  
9 thousands of specimens, examining firearms  
10 of a great variety of types, both rifles,  
11 pistols, shotguns, submachine guns and  
12 so forth. I completed that training  
13 period, the specialized training course,  
14 in approximately one year and since that  
15 time have been assigned to the work of  
16 making firearms identification and tool  
17 marks identification.

18 Q Mr. Frazier, have you had any published works  
19 in the field of ballistics?

20 A Only one which consisted of a pamphlet pub-  
21 lished by the Federal Bureau of Investiga-  
22 tion which was printed in the law  
23 enforcement bulletins and reprinted for  
24 citizens and law enforcement agencies.

25 Q Were you the author?

1 A I wrote the pamphlet but Mr. Hoover was the  
2 author as published.

3 Q Have you been qualified as an expert in the  
4 field, sir, of ballistics in any court?

5 A Yes, sir, I have.

6 Q If so, what courts?

7 A I have testified in all of the States except  
8 Vermont, including Alaska and Hawaii, but  
9 I have not testified in all federal courts  
10 but in all state courts.

11 MR. DYMOND:

12 If The Court please, we submit Mr. Frazier  
13 as an expert in the field.

14 MR. OSER:

15 No questions.

16 THE COURT:

17 It's submitted? I will rule that the  
18 witness, Mr. Frazier, has been quali-  
19 fied as an expert in the field of ,  
20 ballistics and can give his opinion  
21 in that field.

22 BY MR. DYMOND:

23 Q Mr. Frazier, at any time after November 22,  
24 1963 did you have occasion to examine the  
25 vehicle in which President Kennedy was

1 riding at the time of his assassination?

2 A Yes, sir, I did.

3 Q Where and when, sir, did this examination  
4 take place?

5 A It took place in the United States Secret  
6 Service Garage in Washington, D.C. My  
7 examination began at approximately 1:00  
8 o'clock on the morning of November 23 and  
9 ended about 4:30 that same morning.

10 Q Yes, sir. I see. In connection with your  
11 examination of this vehicle did you have  
12 occasion to particularly examine the  
13 windshield of the automobile?

14 A Yes, sir.

15 Q Did you find anything unusual about the wind-  
16 shield and if so, please describe that  
17 condition?

18 A The windshield was partially broken in a  
19 star-shaped fashion, that is there was a  
20 crack in the windshield. I made a speci-  
21 fic examination of it to determine what  
22 caused the crack. I found on the inside  
23 surface of the windshield a deposit of  
24 lead which had been forced against the  
25 glass and had splattered and as a result

determined the glass had been broken by the impact of a projectile striking the inside surface of the glass and fracturing the windshield in the outer layer.

Q Upon what did you base your determination that the glass had been hit by a projectile hitting the inside rather than the outside?

A As a result of having examined hundreds of pieces of glass which have been broken in a known fashion, that is by a blow delivered in a known way, it is possible by studying the radial cracks or fractures emanating from the point of force to determine the side of the glass on which the force was applied.

Using the stress lines left on this glass at the time the glass was broken and caused by the object which broke the glass it is possible to determine the direction the force was applied. This examination of the cracks showed that the pressure had been applied on the inside surface.

Q Now the opinion which you formed as to which side of the windshield had been hit,

Mr. Frazier, was that a definite opinion  
or was there any doubt in your mind as an  
expert?

A It is a definite conclusion.

Q Now, Mr. Frazier, other than the windshield of  
the automobile, could you tell us what  
particular examinations were conducted  
with other parts of this vehicle?

A Yes, sir. The first examination which was made  
was of the exterior portions of the  
vehicle. We examined the outer surface  
of the hood, the grille area, both front  
fender areas, all the metal work on the  
outside of the automobile. The examination  
was for two purposes, to determine whether  
there were any bullets or other projec-  
tile impact areas on the outside of the  
car and also to note the presence of the  
foreign material deposited on it. We  
found blood and tissue all over the out-  
side areas of the vehicle from the hood  
ornament, over the complete area of the  
hood, on the outside of the windshield,  
also on the inside surface of the wind-  
shield, and all over the entire exterior

1 portion of the car, that is, the side rails 8  
2 down both sides of the car, and of course  
3 considerable quantities inside the car and  
4 on the trunk lid area.

5 We found however, no bullet holes or  
6 projectile marks.

7 Q Did you find any impact areas on this automo-  
8 bile?

9 A Nothing which could be identified as a bullet  
10 impact area except the one on the inside  
11 of the windshield.

12 Q Now, Mr. Frazier, in connection with your  
13 examination of this vehicle did you find  
14 any portions of projectiles, bullet  
15 projectiles?

16 A I can say that we found fragments of lead which  
17 may have originated from a bullet.

18 Q How many did you find?

19 A There were three fragments found on the carpet,  
20 in the rear or passenger compartment.

21 Q Now when you say rear or passenger compartment,  
22 that included the area of the jump seats?

23 A Yes, sir, these fragments were in fact found  
24 under the area on the left-hand jump seat.

25 Q And you say three?

1 A Yes.

2 Q If you remember, or if you have in your notes  
3 the necessary information would you tell  
4 us the size of the three particles you  
5 found?

6 A They weighed 9/10ths of a grain, 7/10ths of a  
7 grain, and 7/10ths of a grain, each being  
8 less than 1 grain in weight. A grain I  
9 may or should say is 1/7,000ths of a  
10 pound and is a unit of measurement in  
11 weighing bullets, comparing one bullet  
12 weight with another.

13 Q Now, did you have occasion to work with  
14 Mr. Lyndell Schaneyfield, also an F.B.I.  
15 Agent in the reenactment of the assassin-  
16 ation scene?

17 A Yes, sir, I did.

18 Q Did this take place in Dallas?

19 A Yes, sir.

20 Q Could you tell us when that took place?

21 A On May 24, 1964.

22 Q Now, Mr. Frazier, what was the purpose of this  
23 examination and reenactment, what were you  
24 seeking to learn from it?

25 A I was involved in this reenactment as an

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adviser or consultant to the Warren Commission in an effort to reconstruct the testimony of various witnesses according to the Commission's records, to determine whether or not this testimony was feasible and possible and to determine whether it could have, that is the assassination could have occurred as these witnesses have advised.

Q Could you tell us the mechanics of the reenactment that was conducted by you and Mr. Schaneyfield and others?

A In the first place the presidential limousine in which the President was shot was not available so therefore a Cadillac limousine was substituted and individuals were placed in this car as stand-ins for the President and Governor John Connally.

The position of the people in the car were adjusted by the Commission according to information that developed from studying various movie films and still films, particularly one taken by Abraham Zapruder. The relative elevation of the President was adjusted by having him sit on blankets



1 so that his position with reference to  
2 Governor Connally at the time of the  
3 assassination would be duplicated in the  
4 stand-ins.

5 The position left and right, that is  
6 from side to side, was also positioned as  
7 nearly as possible as could be duplicated.

8 The automobile itself was placed on  
9 the street as nearly as possible as could  
10 be duplicated from studying various films  
11 and also driven down this street as movies  
12 were taken. Then it was driven down the  
13 street and stopped at various places so  
14 additional photographs could be taken and  
15 certain measurements made and then finally  
16 a photograph was made of the entire process  
17 with the, with a movie camera attached to a  
18 rifle on which a telescopic sight was  
19 fixed, that is a movie was taken through  
20 a telescopic sight.

21 Q What was your particular function in this  
22 reenactment, Mr. Frazier?

23 A I was stationed in the southeast corner of the  
24 Texas School Book Depository Building on  
25 the sixth floor in a partially, at a

partially open window and directed the position of the car with reference to a large tree which exists in front of this building, advising the men on the street when they should stop the car, at what time the President's stand-in was visible through the foliage and had cleared the foliage and so forth.

Q And you say you were in the window of the Book Depository?

A Yes, sir.

Q On the sixth floor?

A Yes, sir.

Q Now in connection with this reenactment, Mr. Frazier, did you use the Zapruder films?

A Yes, sir, we did.

Q Now with respect to frame 313 of the Zapruder film, which is the frame in which it is obvious from the film that the President was shot in the head, at the time when the reenactment vehicle was in the same spot as was the presidential vehicle according to the Zapruder film, at the time of frame 313, was there a clear shot from the sixth

1 floor depository window to the head of the ~~the~~  
2 stand-in for the president?

3 A Yes, there was.

4 Q Now by studying the Zapruder film are you able  
5 to tell with any certainty in what frame  
6 the President had been hit for the first  
7 time?

8 A That could not be definitely established in  
9 my opinion for two reasons: One, it is  
10 not known what the reaction time of the  
11 President was after he was shot and it is  
12 not clear in the picture as to which frame  
13 he begins to show reaction and therefore  
14 you cannot determine exactly, you may be  
15 able to approximate the frame number.

16 Q Let me ask you if prior to frame 313, that is  
17 the position the vehicle was in at that  
18 time, had there been any other clear shots  
19 established at the presidential stand-in?

20 A From the sixth floor depository window, yes,  
21 sir, I would say that from frame 207 on  
22 the car had cleared the tree.

23 Q Now, Mr. Frazier, did you have occasion to ex-  
24 amine the rifle which was found on the  
25 sixth floor of the Texas School Book

1                    Depository?

2        A        Yes, sir, I did.

3        Q        What type of rifle was that?

4        A        It is a 6.5 millimeter Italian military rifle  
5                    and it is referred to as a Mannlicher-  
6                    Carcano rifle in this country.

7        Q        Did it have a telescopic sight?

8        A        Yes, it did.

9        Q        What power?

10      A        A four-power telescopic sight.

11      Q        Mr. Frazier, I show you a weapon introduced in  
12                    evidence and marked State-18 and ask you  
13                    whether that is the same type of rifle  
14                    which you examined?

15      A        Generally, this is the same rifle. The color  
16                    of the stock is different. This rifle  
17                    is polished and blued whereas the other  
18                    had a rough finish. I cannot read all the  
19                    inscription on here.

20              THE COURT:

21                    Would you get that magnifying glass out of  
22                    my desk drawer.

23              THE WITNESS:

24                    I would say this rifle is similar and has  
25                    some different markings on it, namely

there is no inscription of "made in Italy"  
as there was in the other and the tele-  
scopic sight is mounted in a different  
position and in a different manner.

BY MR. DYMOND:

Q Would you say the rifle is similar to the one  
found on the sixth floor of the Depository  
Building?

MR. OSER:

I object, Your Honor, because there is no  
testimony where the other rifle was  
found.

THE COURT:

What he wants to know is whether this  
rifle is similar to the one he  
examined.

MR. OSER:

My objection is that this agent was not  
on the sixth floor Depository when  
the rifle was found.

THE COURT:

Will you rephrase your question?

MR. DYMOND:

I will rephrase it.

BY MR. DYMOND:

1 Q Is it similar to the one he examined?

2 MR. OSER:

3 I object, Your Honor.

4 MR. DYMOND:

5 With respect to this objection, if it is a  
6 good objection it has come very late.  
7 This witness already testified, and  
8 it is in the record, that he ex-  
9 amined the rifle found on the sixth  
10 floor of the Book Depository.

11 MR. OSER:

12 There has been no chain set up as to how  
13 the agent got the rifle and we don't  
14 know which rifle.

15 THE COURT:

16 I will overrule the objection. The  
17 testimony is this rifle has been  
18 introduced as being similar to the  
19 rifle allegedly used and I believe  
20 Mr. Dymond's question is that is the  
21 rifle in court similar to the rifle  
22 he examined.

23 MR. OSER:

24 I have no quarrel with that if it was  
25 similar to the rifle this agent

1 examined.

2 BY MR. DYMOND:

3 Q What was your answer to that?

4 A I would say it is generally similar, yes.

5 Q With respect to the telescopic sight on this  
6 rifle is it similar to the one on the rifle  
7 you examined?

8 A Yes, it appears to be an identical telescopic  
9 sight too, but however the mount, the way  
10 it is mounted is different.

11 Q I see. Now, Mr. Frazier, the rifle which you  
12 examined, is that a clip-fed rifle?

13 A Yes, sir.

14 Q How many cartridges?

15 A Seven, six in the clip and one in the rifle.

16 Q Now, from your reenactment of the assassination  
17 scene, and your work with the Zapruder  
18 film, were you able to determine with any  
19 degree of accuracy what the space in time  
20 was between the first shot and the last  
21 shot that was fired at the President?

22 MR. OSER:

23 Your Honor, he hasn't established when the  
24 first and last shot was fired.

25 MR. DYMOND:

1 Your Honor, if he doesn't know he can say.

2 THE COURT:

3 I thought he answered your question a  
4 few moments ago but I can't comment  
5 on the evidence. Go ahead and ask  
6 your question.

7 BY MR. DYMOND:

8 Q Were you able to determine with any degree of  
9 accuracy the time span between the first  
10 and the last shots fired at President  
11 Kennedy?

12 A No, sir, not within even several seconds.

13 Q Now, did you conduct any firing speed tests  
14 and accuracy tests with the rifle which  
15 you examined?

16 A Yes, sir, I did.

17 Q Where were these tests conducted?

18 A In the indoor range in the F.B.I. Building,  
19 Washington, D.C. and the outdoor range,  
20 the F.B.I. range at Quantico, Virginia.

21 Q Tell us the mechanics and extent of the tests  
22 and give us the result of the tests.

23 A The first test performed was performed primari-  
24 ly, primarily for accuracy but also for  
25 maintaining a rapid rate of fire. These



1 tests were performed at 45 feet in the  
2 indoor range with artificial light firing  
3 at a target with the rifle and with the  
4 four-power telescopic sight mounted on it.

5 The tests which I fired at that 45-  
6 foot distance consisted of three shots  
7 fired in a span of 5.9 seconds, that is  
8 from the time the first shot was fired  
9 until the third shot was fired.

10 The tests consisted of firing, re-  
11 loading and firing, reloading and firing  
12 the third time so that a total of three  
13 shots were fired.

14 The tests conducted at the 75-foot  
15 distance consisted of two three-shot  
16 groups also fired for accuracy and speed.  
17 These consisted of a group fired in ap-  
18 proximately a 2 inch circle at 75 feet in  
19 a period of 4.8 seconds, and a series of  
20 shots fired in a group which would be  
21 all-encompassed in a 5 inch circle which  
22 was fired in a time of 4.6 seconds.

23 I believe I left out the accuracy  
24 measurement for the first 45 foot target.  
25 In that target the three shots fired could

1 be covered by a quarter.

2 The third set of tests consisted of  
3 four targets situated at 300 feet in the  
4 outdoor range in daylight.

5 In those four targets, first I'll  
6 give you the time interval and then the  
7 size of the pattern formed by the three  
8 shots that were fired in each of those  
9 tests. These three shots in the first  
10 test were fired in 5.9 seconds and they  
11 landed in a  $3\frac{1}{2}$  inch circle; the second  
12 test was fired in 6.2 seconds, the three  
13 shots landed in a 4 inch circle and --  
14 I should say  $4\frac{1}{2}$  to 5 inch circle. The  
15 third test was fired in 5.6 seconds, the  
16 three shots landed in a 3 inch circle and  
17 the last one was fired in 6.5 seconds and  
18 these shots landed in a  $3\frac{1}{2}$  inch circle.

19 This test also was conducted both  
20 for accuracy and for speed.

21 Q Now, Mr. Frazier, what was the reason for  
22 choosing those particular distances for  
23 these tests?

24 A The first distances were chosen by me mainly  
25 to determine whether the weapon was

1 accurate and were the two distances avail- 21  
2 able in the F.B.I. indoor range, that is,  
3 45 feet and 75 feet and artificial light  
4 for targets.

5 The outdoor distance was chosen as  
6 100 yards or 300 feet as being longer  
7 than any distance at which President  
8 Kennedy could have been fired upon from  
9 a person firing from the Texas School  
10 Book Depository Building.

11 Q Now in feet, what was the distance from the  
12 sixth floor window of the Texas School  
13 Book Depository Building and the spot on  
14 Elm Street where the reconstruction  
15 vehicle was in frame 313 of the Zapruder  
16 film?

17 A 265 feet.

18 Q Now, you have told us you recovered three  
19 bullet particles from the presidential  
20 limousine --

21 MR. OSER:

22 I object, Your Honor, as he didn't say any-  
23 thing about cartridges being fired --

24 THE COURT:

25 Finding cartridges in the car?

1 MR. DYMOND:

2 I didn't say cartridges, Your Honor.

3 BY MR. DYMOND:

4 Q Were any other projectiles or pieces of  
5 projectiles made available to you in  
6 connection with your tests?

7 THE COURT:

8 What?

9 MR. DYMOND:

10 Tests.

11 THE WITNESS:

12 Yes, sir, I had them in the laboratory.

13 BY MR. DYMOND:

14 Q What other projectiles or portions of the  
15 projectiles did you have?

16 A In addition to those there were two bullet  
17 fragments, the nose section and base  
18 section, recovered by the secret police  
19 and delivered to me at the laboratory.  
20 Then there were additional other fragments  
21 another two fragments from the President's  
22 head and one fragment from the arm of  
23 Governor Connally.

24 Q Did you have made available to you any intact  
25 or almost intact bullet projectiles?

1 A Yes, sir, I did. That one was submitted to  
2 me --

3 MR. OSER:

4 I'm going to object unless the officer  
5 found it.

6 MR. DYMOND:

7 If The Court please, one thing which The  
8 Court is empowered to take judicial  
9 cognizance is, is the fact of his-  
10 tory. I am trying to say this in  
11 such a way that it can be properly  
12 said before the Jury.

13 MR. OSER:

14 Then I ask that the Jury be taken out.

15 (JURY EXCLUDED.)

16 THE COURT:

17 Let me first hear the objection and then  
18 your reply.

19 MR. OSER:

20 My objection is merely that the officer  
21 can testify to what he examined in  
22 this case but he cannot testify where  
23 these particular things were found.  
24 I know what Mr. Dymond is leading up  
25 to and that is the cartridges found

1 in the sixth floor of the Depository. ~~24~~

2 THE COURT:

3 What is your reply, Mr. Dymond?

4 MR. DYMOND:

5 First of all I didn't have reference to  
6 cartridge cases found on the sixth  
7 floor of the Depository but I have  
8 reference to an almost intact pro-  
9 jectile which was found on the  
10 stretcher of President Connally,  
11 rather Governor Connally at the  
12 Parkland Hospital in Dallas.

13 I said before, as I said before,  
14 one thing The Court does have the  
15 power to do and that is to take  
16 judicial cognizance of the facts of  
17 history. It is a fact of history  
18 that a projectile was found on this  
19 stretcher in the Parkland Hospital  
20 and I think this witness does have  
21 the right to say that this projectile  
22 was turned over to him for examina-  
23 tion. That is what we are asking.

24 MR. OSER:

25 It is not my objection about the officer

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testifying that he made an examination on Commission Exhibit 399 which was turned over to him but my objection was where it was found. That is my objection.

MR. DYMOND:

If The Court please, that is a fact of history.

MR. ALCOCK:

Your Honor, the Warren Report is also a fact of history and Mr. Dymond is asking This Court to take judicial cognizance of the Warren Report and all its findings and conclusions and this is naturally in the Warren Report, Exhibit 399 and this in effect would be doing that.

MR. DYMOND:

If The Court please, I am not asking Your Honor to take judicial cognizance of the Warren Report.

THE COURT:

I would suggest, Mr. Dymond, I think Mr. Oser's objection bears to the identity of the object itself. He

would have no objection if you would ask Mr. Frazier to give his expert opinion as to what was handed to him and the examination he conducted and if you want you can call it "Exhibit 399 of the Warren Report" if you wish and he can identify the object as either a spent bullet intact unmarked and he could give you his opinion as to what he found out and how it compared with the fragments but I agree with Mr. Oser you cannot say that it was found on the stretcher because he wasn't there and either you would have to have the person that found it to testify to its position, the link of possession to prove it's the exact bullet. However, I would let him give an expert opinion as to what was given to him and then let the Jury draw its own inference.

MR. DYMOND:

Very well, we will proceed that way.

(JURY RETURNED.)



1 BY MR. DYMOND:

2 Q Mr. Frazier --

3 THE COURT:

4 You may proceed.

5 BY MR. DYMOND:

6 Q Mr. Frazier, was an intact or almost intact  
7 bullet projectile turned over to you for  
8 examination in the course of your tests?

9 A Yes, sir.

10 Q Would that be Exhibit 399 of the Warren Report?

11 A Yes, sir, it was.

12 Q Now, did you conduct any test or tests in con-  
13 nection with this intact or almost intact  
14 projectile as to what if any gun it had  
15 been fired from?

16 A I did.

17 Q Would you tell us what those tests were and the  
18 results of those tests?

19 A The tests consisted of firing test bullets  
20 from the rifle which I had received and  
21 making microscopic comparisons of the  
22 barrel markings with the markings on the  
23 bullet referred to as 399.

24 This was a comparison microscope  
25 type of examination in which I compared

those marks which are peculiar to each individual gun and not duplicated in any two rifles. That comparison resulted in identification of the bullet 399 as having been fired in the Italian military 6.5 millimeter rifle which I received for examination.

Q Mr. Frazier, is that a conclusive test, that is, does it prove it was fired from that rifle or a rifle to the exclusion of any other firearms?

A Yes, sir, it does.

Q Did you have occasion to conduct any similar tests on the fragments which you had recovered and which had been turned over to you?

A Yes, I did.

Q Would you kindly describe those tests?

A These tests also were conducted with a comparison microscope and consisted of comparing the microscopic marks left on the test bullets fired from the rifle with the microscopic marks left on the fired jacket portion which was submitted to me and, and the base of the bullet jacket which

1 was also submitted. These two jacket  
2 fragments were compared separately with the  
3 test bullets and then compared with each  
4 other.

5 As a result it was determined that  
6 the two bullet jacket fragments, both the  
7 nose portion and the base portion of the  
8 bullets were fired from the 6.5 millimeter  
9 rifle. The examination however did not  
10 prove whether or not these two bullet  
11 fragments actually represented two separ-  
12 ate bullets or whether they were in fact  
13 the nose portion or base portion from a  
14 single bullet.

15 Q Was this a conclusive test?

16 A Yes, sir.

17 Q As an expert could you testify that they were  
18 fired from the same rifle turned over to  
19 you from the exclusion of all firearms?

20 A Yes, sir.

21 Q Where had you obtained this nose fragment and  
22 base fragment, Mr. Frazier, that is the  
23 two fragments on which you did conduct  
24 the tests on which you formed an opinion?

25 A These two fragments were turned over to me by

Special Agent Todd of the Washington  
Field Office in Washington on November 22,  
1963.

Q Now in the course of your examination of the  
interior of the Presidential vehicle, did  
you find any pellets or portions of  
projectiles which could be tested so as  
to determine that they came from any other  
gun other than the one from which you con-  
ducted your examination?

A No, sir, there were no such fragments.

Q Now did you have made available to you during  
the course of this examination any empty  
cartridge cases?

A Yes, sir.

Q How many, sir?

A Three.

Q Did you make any tests with these cartridge  
cases in connection with the gun turned  
over to you?

A Yes, sir, I did.

Q Would you please describe these tests and the  
results of them?

A The tests I conducted consisted of firing test  
cartridge cases in the 6.5 millimeter

1 Italian military rifle and comparing the  
2 firing pin markings left in these fired  
3 cartridge cases with the firing pin  
4 markings in the three fired 6.5 millimeter  
5 cartridge cases which I had received for  
6 comparison.

7 This test also included comparing  
8 the marks from the bolt face of the  
9 weapon as left on the test cartridge cases  
10 and on the three fired cartridge cases.

11 There was a microscopic examination,  
12 that is mounting the two portions, the  
13 test on one side of the microscope and  
14 the evidence on the other side, and com-  
15 paring the microscopic marks found in the  
16 firing pin impressions and those micro-  
17 scopic markings left by the face of the  
18 bolt of the weapon in which they were  
19 fired.

20 As a result of these examinations I  
21 concluded that all three of the fired  
22 cartridge cases submitted to me for exami-  
23 nation had been fired in the 6.5 millimeter  
24 Italian military rifle which had been also  
25 submitted for comparison.

1 Q Mr. Frazier, is that a conclusive test you  
2 just described?

3 A Yes, it is.

4 Q As a result of having made that test are you  
5 able to testify that those three empty  
6 cartridge cases had been fired from the  
7 rifle submitted to you from the exclusion  
8 of all other firearms?

9 A Yes, sir.

10 Q Did you conduct any firing pin tests?

11 A Only those I just described, the firing pin  
12 impression tests.

13 Q In the course of your reenactment of the  
14 assassination, Mr. Frazier, was there any  
15 indication or marking placed on the floor  
16 of the School Book Depository on the sixth  
17 floor to indicate where the empty  
18 cartridge cases had been found?

19 MR. OSER:

20 I object as there is no testimony about  
21 that and he's merely trying to get it  
22 in front of the Jury.

23 MR. DYMOND:

24 If The Court please, this is a question  
25 pertaining to what happened during

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the reenactment of the Presidential  
assassination.

THE COURT:

Is that the question?

MR. DYMOND:

That is correct.

THE COURT:

Did he find some cartridges on the date  
of reenactment?

MR. DYMOND:

Your Honor, I haven't asked that question  
yet.

THE COURT:

Go ahead and ask your question.

BY MR. DYMOND:

Q In the course of your reenactment, and don't  
answer until the Judge has a chance to  
rule, of the Presidential assassination  
scene, were any markings placed on the  
sixth floor of the Texas School Book  
Depository to indicate where empty car-  
tridge cases had been fired?

THE COURT:

Let me understand the question. Your  
question is: During the reenactment

1 -- I would assume they didn't fire  
2 live bullets but they fired blanks,  
3 I would assume that --

4 THE WITNESS:

5 That is correct.

6 THE COURT:

7 Your question is: Did the cartridges  
8 fall in a pattern that you would say  
9 they fell in originally?

10 MR. OSER:

11 He wants to know in setting up the re-  
12 enactment scene, were there any  
13 marks placed on the floor of the  
14 School Book Depository where empty  
15 cartridge cases were found?

16 THE COURT:

17 Not found where those fell.

18 MR. OSER:

19 That is my objection as to where they were  
20 found because that is hearsay.

21 THE COURT:

22 Don't get excited about it.

23 MR. OSER:

24 I have a right to object.

25 MR. DYMOND:



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1 This question is pertaining to the actual  
2 mechanics of the reenactment and  
3 have an important bearing to the  
4 next question.

5 THE COURT:

6 I think I know what you are alluding to,  
7 Mr. Dymond, but you have to restate  
8 what happened the date of the re-  
9 enactment but not where cartridge  
10 cases were found on November 22,  
11 1963.

12 MR. DYMOND:

13 I will change the form of the question.

14 BY MR. DYMOND:

15 Q Mr. Frazier, during the reenactment of the  
16 Presidential assassination scene, were  
17 any marks placed on the floor of the  
18 School Book Depository?

19 A No, sir.

20 Q Were any ejection tests conducted with the  
21 rifle that had been submitted to you?

22 A I had several ejection tests that were made in  
23 the F.B.I. Laboratory, but not outside the  
24 laboratory.

25 Q What was the purpose of these tests,

Mr. Frazier?

A To determine the angle and distance this fired-cartridge case would be extracted from this weapon in the process of firing -- excuse me, after the cartridge case had been fired.

Q I see. Now, what did this test reveal, Mr. Frazier?

A It revealed there was a great deal of variation in both the distance and the angle to which the cartridge cases would be ejected which depended on how much force and how fast the bolt of the weapon was thrown to the rear causing the cartridge case to flip out of the ejection port.

Q Generally speaking, you could vary the distance and the direction by increasing or decreasing the speed at which the bolt was operated. All of them, however, when the muzzle of the rifle was held horizontally were ejected approximately 90 degrees to the right of the weapon.

Now, when the muzzle was held depressed at approximately 45 degrees, the cartridge cases were ejected

1 approximately 80 degrees to the right  
2 of a line drawn through the muzzle or  
3 barrel of the weapon.

4 MR. DYMOND:

5 If The Court please, we are about to get  
6 into another area with this witness.

7 THE COURT:

8 I then suggest that we stop at this  
9 moment. It is apparent the State has  
10 not even started its cross-  
11 examination and we could not wind up  
12 with the witness tonight, as it is  
13 5:28, so I think it would be a good  
14 time to close the proceedings for  
15 the day.

16 You will be excused and will you  
17 be kind enough to report at 9:00  
18 o'clock tomorrow morning and con-  
19 tinue with your testimony.

20 Gentlemen, again I must instruct  
21 you and admonish you not to discuss  
22 the case amongst yourselves or with  
23 anyone else until it has been  
24 submitted to you for your decision.  
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... At the hour of 5:30 o'clock  
p.m., the Court recessed for the  
day. ...

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1 . . . Pursuant to the adjournment, the pro-  
2 ceedings herein were resumed at 9:00 o'clock  
3 a.m. on Friday, February 21, 1969, appearances  
4 being the same as heretofore noted in the  
5 record . . . .

6 THE COURT:

7 Mr. Frazier, the oath you took yesterday  
8 is still binding. The witness is  
9 still on direct. You may proceed.

10 ROBERT A. FRAZIER,  
11 having been sworn and having testified previously,  
12 resumed the stand and was examined and testified as  
13 follows:

14 DIRECT EXAMINATION

15 BY MR. DYMOND:

16 Q Mr. Frazier, was a live round of ammunition  
17 turned over to you in connection with the  
18 rifle that was given to you for examination?

19 A Yes, sir.

20 Q You have testified then an almost intact --

21 MR. OSER:

22 You are starting off with a leading ques-  
23 tion. We object, Your Honor.

24 MR. DYMOND:

25 This is an expert witness and this is merely

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1 to correlate and lay a foundation for  
2 another question.

3 THE COURT:

4 Objection overruled.

5 BY MR. DYMOND:

6 Q Mr. Frazier, you have testified that you re-  
7 ceived an almost intact projectile; that  
8 you recovered some fragments from the  
9 Presidential limousine; that some other  
10 fragments were turned over to you and that  
11 there was a lead smear on the interior of  
12 the windshield of the Presidential vehicle.  
13 Was there any similarity in metallic  
14 composition as among the metal found in  
15 these various fragments and the live round  
16 of ammunition turned over to you?

17 A Yes, sir, they all had the same metallic composi-  
18 tion as far as the lead core or lead por-  
19 tions of these objects is concerned.

20 Q Now what would this similarity in metallic  
21 composition indicate?

22 A Only that they may have originated from the  
23 same source. It does not prove it actually  
24 did, but they do have the same composition  
25 and could have originated from the same

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or similar source.

Q Am I correct in saying there is a similarity in metallic composition or they are identical?

A It was identical as far as the metallic elements are concerned.

Q All right. Now, Mr. Frazier, did you have occasion to examine the clothing of President John F. Kennedy?

A Yes, sir.

Q What items of clothing did you examine, sir?

A I examined all that was submitted, the suit coat, shirt, tie, underwear, the socks, shoes, and a back support that was included with the other materials.

Q I see. First, taking the coat or jacket worn by President Kennedy, would you tell us what you learned upon your examination of this garment?

A I found only one hole in this garment which was a small hole approximately a quarter of an inch in diameter. This was located five and three-eighths inch below the top of the collar in the back of the coat and one and three-quarters inches to the right of the

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1 mid-line.

2 Q Mr. Frazier, if I were to have Mr. Wegmann  
3 stand before the Jury, could you point  
4 out on his coat approximately where this  
5 hole was?

6 A I think so.

7 THE COURT:

8 I suggest you do it in that area over  
9 there, Mr. Dymond.

10 MR. DYMOND:

11 Step down here, Mr. Frazier.

12 (Witness complies with request of  
13 Counsel, demonstrating to the Jury.)

14 BY MR. DYMOND:

15 Q Thank you, sir. Now, did you make a professional  
16 examination of this hole in the President's  
17 jacket?

18 A Yes, sir, I did.

19 Q Would you describe to the Jury what, if anything,  
20 you observed in connection with these  
21 fibers?

22 A The cloth was torn in very short radial splits  
23 or rips so that a hole approximately a  
24 quarter of an inch in diameter was formed  
25 on the garment. Fibers were pushed inward,



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1           that is, both the appearance on the out-  
2           side where the fibers were smooth, whereas  
3           on the inside surface the fibers were  
4           standing out indicating that an object  
5           has passed through from the outside to  
6           the inside.

7   Q       Mr. Frazier, as an expert in the field of  
8           ballistics, what would the condition of  
9           these fibers surrounding the hole in the  
10          back of the coat indicate?

11   A       This hole and fibers had the appearance of a  
12          bullet entrance hole.

13   Q       Now, did you also examine the shirt worn by  
14          President Kennedy?

15   A       Yes, sir.

16   Q       What, if anything, did you notice in connec-  
17          tion with the examination of that shirt?

18   A       I noticed the same situation to exist, that is,  
19          there was a hole in the shirt approximately  
20          five and three-quarter inch below the top  
21          of the collar and about one and one-eighth  
22          inch to the right of the mid-line in the  
23          back of the shirt.

24   Q       Did you make an examination of the fibers of the  
25          shirt in the area surrounding this hole?

1 A Yes, sir.

2 Q What did that examination reveal to you?

3 A It showed the fibers to be pressed inward. The  
4 hole was approximately one-quarter inch in  
5 diameter and had very slight radial tears  
6 on the margin of the hole and indicated  
7 in addition, it had all the appearance of  
8 a bullet entrance hole.

9 Q Mr. Frazier, I know you had throat trouble over  
10 the night and would you like to have a drink  
11 of water?

12 A Yes.

13 MR. DYMOND:

14 Your Honor, could we get a glass of water  
15 instead of that cup.

16 THE COURT:

17 Yes.

18 BY MR. DYMOND:

19 Q Now, Mr. Frazier, did you have occasion to --  
20 strike that, please -- in connection with  
21 your examination of the President's shirt,  
22 did you notice anything unusual about the  
23 front portion of the shirt?

24 A Yes, there was a very short slit approximately  
25 one-half inch in length which was located

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in the button line and also in the button-hole line, that is where the buttonhole strip and button strip overlap at the front. This hole was located just below the collar button and had no other physical characteristics so that you could determine the nature of the object that caused it except that the object exited at that point, but I could not determine the nature of the object.

Q What led you, as an expert, to believe that the object exited there?

A From again the shape of the fibers being pressed from the inside of the shirt outward.

Q Now, did you make a comparison between the hole in the back of the shirt and the hole in the back of the coat, and, if so, did the two holes coincide in position?

A Yes, they did.

Q Was there any difference in alignment at all?

A No. There could have been a slight difference in alignment because the hole in the coat was approximately three-eighths of an inch higher, that is, it was only five and

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1 three-eighths inches below the collar,  
2 whereas the hole in the shirt was five  
3 and three-quarters inches down, but since  
4 the collar cloth of a shirt stands up above  
5 the coat, I would judge they were corres-  
6 ponding holes.

7 Q Doctor, did you have occasion to examine the  
8 neck tie worn --

9 MR. OSER:

10 He is not a doctor.

11 BY MR. DYMOND:

12 Q Did you have occasion to examine the neck tie  
13 worn by the President, Mr. Frazier?

14 A I did.

15 Q Would you tell us what, if anything, was revealed  
16 by your examination of this neck tie.

17 A The neck tie had been cut, that is, the neck  
18 band was cut to remove it --

19 MR. OSER:

20 I object, unless he cut it himself.

21 THE COURT:

22 When he received it it appeared to be cut,  
23 Mr. Oser.

24 THE WITNESS:

25 Besides these marks that indicated it had

1                   been cut, there were fibers broken  
2                   along the left side of the knot of  
3                   the tie and, of course, they were in  
4                   the area where the slit appeared in  
5                   the President's shirt. These fibers  
6                   were broken and that is they were  
7                   slit at the knot and in the same  
8                   position as the slit in the Presi-  
9                   dent's shirt, but they showed no  
10                  other characteristics to indicate the  
11                  nature of the object or the direction  
12                  of the object.

13 BY MR. DYMOND:

14 Q     Did the fibers of the neck tie indicate anything?

15 A     No, sir.

16 Q     They did not?

17 A     No, sir.

18 Q     As an expert, Mr. Frazier, what was your opinion  
19           as to whether or not the same projectile  
20           had caused the hole in the coat, the hole  
21           in the shirt, in the back of the shirt, the  
22           hole in the front of the shirt, and damage  
23           of the neck tie which you examined?

24 A     I could say it may have been caused by the  
25           passage of a single projectile, however,

1 I could not substantiate this from techni-  
2 cal knowledge, and, therefore, it is only  
3 a possibility.

4 Q Did you determine any possibility or probability  
5 of its having been caused by more than one  
6 projectile having been fired in the back?

7 A There was only one fired into the back that  
8 struck the coat and the shirt. I could  
9 not say whether the same object came out  
10 the front because this was a slit. I  
11 might say that the strength of the material  
12 in this shirt is such that you would  
13 normally get a slit vertical rather than  
14 horizontal in this area.

15 Q Did this slit produce any characteristics that  
16 it had not been made by the exiting of a  
17 projectile?

18 A No, sir.

19 Q Now, as an expert, from what direction would  
20 you say that the bullet which entered the  
21 President's back came?

22 A It came from the rear. As far as the angle of  
23 the direction, this would depend on the  
24 position of the President's body at the  
25 time he was shot, and I have no knowledge

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of that specific angle, however, the hole in the back was considerably higher than the hole in the front, I would say 20 to 30 degree downward angle.

Q Mr. Frazier, could you demonstrate to the Jury why you say that the position of the body of the President would have a bearing upon the bearing of the entrance of this bullet?

A Normally, angles of entrance are stated with reference to the ground or horizontal plane. Whereas a person's body is free to move with reference to that plane, and any movement forward or back in the fashion of bending over, dipping to the right or left, would affect the angle with reference to the ground and would not, of course, affect the angle with reference to the axis of the individual.

Q From your observation of the Zapruder film, were you able to determine the exact time the President was hit in the back?

A Not in the coat, no, only in the head.

Q Only in the head?

A Yes, sir.

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1 Q Would that be the reason for not being able  
2 to determine the exact position of his  
3 body when he was hit in the back?

4 A Yes, sir.

5 Q Mr. Frazier, did you have occasion to examine  
6 the coat of Governor Connally?

7 A I did.

8 Q Would you tell us what, if anything, you found  
9 as a result of this examination?

10 A I found two holes in the coat, one of which was  
11 located in the back near the seam where  
12 the right sleeve attaches to the coat and  
13 the other was located in the front of the  
14 coat in the right chest area. This coat  
15 had been cleaned and pressed when I ex-  
16 amined it and I could arrive at no con-  
17 clusions concerning whether or not these  
18 holes were bullet holes and if so the  
19 direction of travel.

20 Q The coat had been cleaned and pressed before  
21 you examined it?

22 A Yes, sir.

23 Q With respect to the position of these holes,  
24 that is the location of these holes and  
25 the area or position in the car where the



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stand-in for Governor Connally was sitting during the reenactment, as an expert, did you find anything inconsistent with the possibility that the same bullet which went through President Kennedy also penetrated Governor Connally?

MR. OSER:

I am going to object to this question, to anything this witness might testify to because it necessarily would be as a result of hearsay because this witness testified the purposes of the reenactment was to find out what could have happened as a result of what the Warren Commission told him as to what the witnesses testified to before the Warren Commission and, therefore, it is based on hearsay.

MR. DYMOND:

If the Court please, this witness has testified he has seen the Zapruder film. If he has seen the Zapruder film, certainly he knows the relative position in the automobile of Governor Connally and President Kennedy.

1 Experts have been able to testify  
2 throughout this trial on positioning  
3 in that Zapruder film and that is the  
4 only question we are interested in  
5 here.

6 MR. OSER:

7 Will Your Honor hear the State once more?

8 THE COURT:

9 Yes.

10 MR. OSER::

11 This witness already testified he has no  
12 technical knowledge in this area and  
13 we don't know how much of the Zapruder  
14 he had seen, but certainly he is not  
15 a photographic expert and everything  
16 he is testifying to here is based on  
17 hearsay because he said the Warren  
18 Commission told him what they testi-  
19 fied to, and that is obviously is  
20 hearsay.

21 THE COURT:

22 I overrule the objection.

23 MR. DYMOND:

24 Do you understand the question?

25 THE WITNESS:

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1 I would like to have it repeated.

2 BY MR. DYMOND:

3 Q Based upon your knowledge -- Mister, would you  
4 please read the question back?

5 (Whereupon, the question was read  
6 back by the Reporter.)

7 THE WITNESS:

8 No, sir.

9 BY MR. DYMOND:

10 Q Mr. Frazier, --

11 THE COURT:

12 It's such a long question and such a  
13 short answer, I think you better re-  
14 peat the question. The witness  
15 understood the question, but --

16 BY MR. DYMOND:

17 Q Now, as an expert, what were your reasons for  
18 arriving at that conclusion?

19 MR. OSER:

20 I am going to object to this as this is  
21 again based on hearsay.

22 THE COURT:

23 I overrule your objection.

24 THE WITNESS:

25 Based on my examination of the Presidential

116

limousine and the location of the individuals in it as shown in the film, the Governor's body or person was located nearer the center of the car than the President. The President was sitting out actually with his arm on the side rail of the car as shown in the film. The Governor was spaced inward several inches from the door. Therefore, the angle at which a bullet fired from above and to the right would strike the President, pass through his body, was such that it could have also entered the Governor's body at the place where there was a hole located in his coat.

BY MR. DYMOND:

Q Mr. Frazier, did you also have occasion to examine the shirt of Governor Connally?

A Yes, sir.

Q Would you tell us what you found as a result of this examination?

A I found a hole located in the back of the shirt, which is a slightly elongated hole, that is, not a regular round hole, generally

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1 corresponding in the area to the hole in  
2 the back of his coat. In the front of  
3 this shirt there was an irregular tear in  
4 the material, being an egg-shaped hole  
5 very irregular in nature.

6 Q Had this garment been laundered before you had  
7 an opportunity to examine it?

8 A Yes.

9 Q Were you able to determine anything from the  
10 fibers of that garment if you made such  
11 an examination?

12 A No, sir.

13 Q Mr. Frazier, does laundering or drycleaning  
14 essentially remove the characteristics  
15 from which a ballistic expert can deter-  
16 mine from the fibers of materials a point  
17 of entrance or exit?

18 A Yes, sir.

19 Q Did you have occasion to examine the sleeves  
20 of the coat and the shirt of Governor  
21 Connally?

22 A Yes, sir, I did.

23 Q Did you learn anything unusual as a result of  
24 this examination?

25 A On the sleeve of the coat I found a hole irregu-

1 lar in shape in the top position of the  
2 right sleeve near the inside or edge of  
3 the sleeve penetrating both the outside  
4 layer, the lining, and the inside layer  
5 of the sleeve, and a similar damage was  
6 present in the cuffs of the Governor's  
7 shirt, which, as I recall, was French  
8 cuffs that had four layers of material,  
9 and all four layers were torn by the  
10 passage of some projectile. I could make  
11 no conclusions as to whether or not this  
12 damage was caused by a bullet or some  
13 other object.

14 Q Based upon your studies of the Zapruder film  
15 and your studies of the relative positions  
16 of the occupants of the Presidential  
17 limousine, did you find anything incon-  
18 sistent with the holes in the cuffs of  
19 Governor Connally's coat and shirt having  
20 been made by one and the same projectile  
21 which penetrated his body?

22 A No, sir.

23 Q However, I take it, you cannot testify this is  
24 a fact because of not being able to deter-  
25 mine the entrance and exit points because of

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1 the laundering of the materials?

2 A That is correct, yes.

3 Q Did you have occasion to examine the trousers  
4 of Governor Connally?

5 A Yes, I did.

6 Q What, if anything, did you determine by that  
7 examination?

8 A I found in the trousers at the left knee area  
9 a hole which is roughly circular in shape  
10 approximately one-quarter inch in diameter.  
11 There was a slight elongation, possibly  
12 due to tearing of the cloth and this  
13 particular hole did not have any  
14 characteristics which would permit to de-  
15 termine whether or not it was caused by  
16 the passage of a bullet, and, if so,  
17 whether it was an entrance or exit hole.

18 Q Had this garment also been laundered or dry-  
19 cleaned before you examined it?

20 A Yes, sir.

21 Q Based upon your study and knowledge of the  
22 relative positioning of the occupants of  
23 this limousene, Mr. Frazier, and with  
24 particular reference to the hole in the  
25 trousers of Governor Connally, if this

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1 wound or this hole had been inflicted by  
2 a gun fired from in front of the automobile  
3 would it or would it not have had to pene-  
4 trate the windshield of the automobile?

5 A It would have had to either penetrate the wind-  
6 shield or metal portion of the car, and  
7 in addition the back of the front seat of  
8 the car.

9 Q Did you find any evidence of such penetration?

10 A No, sir, there was none.

11 Q Now, Mr. Frazier, the -- with reference to the  
12 rifle which was examined by you, and the  
13 live ammunition that was turned over to  
14 you, that is, one round of live ammunition,  
15 could you tell me, as an expert, what  
16 would be the approximate speed of the pro-  
17 jectile of that live round of ammunition  
18 if fired from the rifle you examined?

19 A The velocity at the muzzle would be in the  
20 neighborhood of 1,965 feet per second.  
21 This velocity can vary as much as 50 feet  
22 per second, I would say closer to 40 feet  
23 per second, in either direction from this  
24 average. However, I tested ammunition  
25 similar to this, made by the same company,



N21

1 and it did average 1,965 feet per second  
2 at the muzzle.

3 Q Now, to what extent would this speed diminish  
4 over a distance, say, of 265 feet?

5 A A rule-of-thumb estimate would give you a de-  
6 crease in velocity of 265, that is, it  
7 reduces approximately one foot per second  
8 in velocity for each foot travelled.

9 Q So that at the end of 265 feet, it would be  
10 going approximately how fast?

11 A The actual figures which I have calculated on  
12 that I do not have with me, but generally  
13 speaking it would be travelling 1,800  
14 feet per second.

15 Q How would that compare with the speed of sound?

16 A Above the neighborhood of sound which is in  
17 the neighborhood of 1,100 feet per second.

18 Q Are there any particular acoustical characteris-  
19 tics of a high velocity bullet, that is,  
20 one that travels faster than the speed of  
21 sound?

22 A Yes, sir.

23 MR. OSER:

24 I am going to object unless he can testify  
25 to what area Mr. Dymond is talking

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about because in different areas  
there are different indications.

MR. DYMOND:

If the Court please, this witness is sub-  
ject to cross-examination.

THE COURT:

What was your question?

MR. DYMOND:

I wanted to know whether there are any  
particular acoustical characteristics  
of a high-speed projectile that  
travels faster than sound, and, if so,  
what they are.

THE COURT:

I will permit it.

MR. DYMOND:

He has been qualified as an expert in  
ballistics.

THE COURT:

I overruled it, Mr. Dymond.

A Yes, sir. These characteristics are that when  
a person is standing in front, in the  
general area in front of a firearm which  
fires a bullet faster than the speed of  
sound, that they will hear the report, or

N23

1 a sound wave, a sonic boom from the bullet  
2 itself prior to the time they will hear  
3 the report since the bullet creates a  
4 sonic boom which reaches the ear of the  
5 person before the explosion of the gun  
6 powder and muzzle blast reaches them. The  
7 speed of sound travels at about 1,100  
8 feet per second, so it would require one  
9 second to travel 1,100 feet, whereas a  
10 person standing at 1,100 feet would hear  
11 the report of the bullet as it went over  
12 and one second or a fraction of a second  
13 later they would hear the sound of the re-  
14 port of the weapon.

15 BY MR. DYMOND:

16 Q Would you liken this to the sonic boom made by  
17 a jet plane travelling faster than sound?

18 MR. OSER:

19 I object, as he is not an aeronautical  
20 engineer, he is a ballistics expert.

21 THE COURT:

22 The objection is overruled.

23 THE WITNESS:

24 It is the same process in physics in that  
25 you hear a sonic report from the ob-

N24

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ject travelling faster than the  
speed of sound.

BY MR. DYMOND:

Q Mr. Frazier, as an expert, would you say that  
this sonic noise is easily distinguishable  
from the noise made by the explosion of  
the cartridge or can they be confused?

A They are very easily confused unless you are  
particularly listening for it at the  
time and you are in addition familiar  
with what they sound like and have heard  
it repeatedly before.

Q Mr. Frazier, you have testified that you found  
damage to the interior of the windshield  
of the Presidential vehicle, is that cor-  
rect, sir?

A Yes, sir, no, the damage was to the exterior  
as there was a lead smear on the interior.

Q As I understand, you examined this area of  
damage.

A Yes, sir.

Q And you concluded that this damaged area had  
been caused by what, sir?

A By a lead projectile striking the windshield  
on the inside surface.

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Q Now, is there any explanation as to why a  
lead projectile from a Mannlicher-Carcano -

MR. OSER:

There is no testimony that this piece of  
lead came from a 6.5 millimeter  
Mannlicher-Carcano.

THE COURT:

The objection is well taken. I don't be-  
lieve the expert can tell you where  
the lead came from.

MR. DYMOND:

If the Court please, let me examine him  
on that right now.

THE COURT:

O.K.

BY MR. DYMOND:

Q How many fragments did you find in the auto-  
mobile, Mr. Frazier?

A I found three lead fragments.

Q Three lead fragments. Did you perform any tests  
on these lead fragments for the purpose of  
determining what gun these had come from?

A No, sir, these lead fragments do not possess  
any barrel markings and it would not be  
possible to determine that.

N26

1 THE COURT:

2 May I interrupt you a second. I remember  
3 his testimony about the lead fragments  
4 to the extent that he said they were  
5 similar in composition to what was  
6 found under the drop seat, but at no  
7 time did he say where they came from.

8 BY MR. DYMOND:

9 Q Let me give you a hypothetical question on  
10 this:

11 If a Mannlicher-Carcano 6.5 millimeter rifle  
12 were fired from a distance of 265 feet,  
13 would it ordinarily penetrate an automobile  
14 windshield?

15 A Yes, it would.

16 MR. OSER:

17 I am going to object to the hypothetical  
18 question by Defense Counsel because  
19 the hypothetical question contains  
20 facts that have not been testified to.  
21 He said, "If a Mannlicher-Carcano  
22 rifle had been fired from 265 feet,"  
23 and there was no testimony to that  
24 effect.

25 MR. DYMOND:

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1 I asked a hypothetical question.

2 MR. OSER:

3 A hypothetical question must contain  
4 facts brought out during the trial  
5 and these facts have not been proven.

6 THE COURT:

7 I will permit the question.

8 MR. DYMOND:

9 Would you read the question, please, Mr.  
10 Neyrey?

11 (Whereupon, the question was  
12 read back by the Reporter.)

13 THE WITNESS:

14 Yes, it would.

15 BY MR. DYMOND:

16 Q If upon hitting such a windshield it would not  
17 penetrate that windshield, what, if any,  
18 explanation could you give as a reason  
19 for that?

20 A The velocity of the projectile had dropped  
21 very drastically to the point that it  
22 would not even break the glass on the in-  
23 side surface. Some object, it must have  
24 passed through some object, ricocheted  
25 through some object or in some other way

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1 rifle have upon the ease or difficulty of  
2 that shot?

3 A The effect of the telescopic sight would be to  
4 cut the distance by three-quarters, that  
5 is, the effective target size would be the  
6 same as if you were shooting at one-fourth  
7 that distance, a little over 80 feet,  
8 therefore making it easier to line up the  
9 cross hairs of the telescopic sight on  
10 the target because in addition with this  
11 rifle it is only necessary to pull the  
12 trigger while the cross hairs are lined  
13 up on the target and you do not have to  
14 bring them together, you don't have to  
15 line up two separate sights but only the  
16 cross hairs on the target and therefore,  
17 in my opinion, it would be a relatively  
18 easy shot, slightly complicated, however,  
19 if the target were moving at the time, it  
20 would make it a little more difficult.

21 Q During the course of your entire examination,  
22 Mr. Frazier, as an expert, did you find  
23 anything inconsistent with all the shots  
24 having been fired from the right rear of  
25 the Presidential vehicle and from the sixth

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floor Depository window?

MR. OSER:

Your Honor, I am going to object because this man is not qualified in the field of photography or as a photographic expert and the testimony would be the result of a photograph expert which he is not qualified to express.

THE COURT:

The objection is overruled.

A No, sir, there was nothing inconsistent that I found to preclude or indicate that the shots came from anywhere except above and beyond.

THE COURT:

Mr. Frazier, what you are testifying to, wouldn't the shooter, whomever would have the gun, say when shooting ducks, don't you have to lead with the cross hairs if a vehicle were moving at 12 miles an hour?

THE WITNESS:

Yes, sir, he would have to lead a vehicle moving at 12 miles an hour and to shoot approximately six inches over

his target so that by the time the  
bullet reached the target it and the  
vehicle would be at the same place.

THE COURT:

Wouldn't he have to be proficient in  
shooting firearms in knowing how much  
to lead?

THE WITNESS:

In my opinion, 12 miles an hour wouldn't  
require too much proficiency in esti-  
mating lead. I think, and in fact I  
would have taken very little considera-  
tion in my own position.

BY MR. DYMOND:

Q While on that subject, Mr. Frazier, from the  
sixth floor Depository window, with the  
reenactment vehicle moving along Elm Street,  
as the Presidential vehicle was shown in  
the Zapruder film, was this 12 miles an  
hour movement laterally or partially going  
away from the sixth floor?

A It was largely going away from the window.

Q Would that make it an easier or more difficult  
shot than had it been completely lateral  
movement?

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A It would make it considerably easier, it would have cut the lead from two feet from a lateral target to approximately six inches.

Q From all of the evidence you have viewed, Mr. Frazier, and everything you have examined, did you find any evidence within your field that would indicate that the shots at the Presidential vehicle came from any place other than the sixth floor window of the Texas School Book Depository?

A No, sir.

MR. DYMOND:

We tender the witness.

NO HIATUS HERE.

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(AFTER THE RECESS.)

THE COURT:

Is the State ready?

MR. OSER:

We are ready, Your Honor.

THE COURT:

Is the Defense ready?

MR. DYMOND:

The Defense is ready, Your Honor.

THE COURT:

You may proceed.

CROSS-EXAMINATION

BY MR. OSER:

Q How long have you been an F.B.I. Agent?

A Approximately 26 years.

Q Approximately how many scenes of crimes have  
you investigated for the F.B.I. during  
that period?

A Very few. Three or four.

Q Have you assisted State authorities in inves-  
tigating scenes of crimes?

A No, sir.

Q At the time you investigated the assassination  
of President John F. Kennedy, can you  
tell us whether or not that was a Federal

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1 offense. the killing of a president at  
2 that time?

3 MR. DYMOND:

4 We object. We don't see the relevancy  
5 of this at all.

6 THE COURT:

7 What is the objection?

8 MR. DYMOND:

9 We object on the grounds of relevancy.

10 THE COURT:

11 Everyone knows it was a State offense  
12 and it is now a Federal offense.  
13 That is a matter of law.

14 MR. OSER:

15 I'm trying to ascertain how the evidence  
16 got out of the State of Texas where  
17 the offense occurred and into  
18 Washington.

19 THE COURT:

20 You may proceed.

21 BY MR. OSER:

22 Q Can you tell me what State official of Texas  
23 ordered the removal of the evidence from  
24 the scene of this homicide to Washington,  
25 if you know?

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MR. DYMOND:

That is quite irrelevant, and we object.

THE COURT:

What is the relevancy of this with  
respect to an expert on ballistics?

MR. ALCOCK:

There is the matter of the chain of  
evidence, and it would be --

MR. DYMOND:

It has nothing to do with ballistics, and  
this witness is an expert on  
ballistics.

MR. ALCOCK:

Certainly it does. Whose hands did it  
pass through? Certainly the element  
of the chain of evidence is important  
in that area. The State has the  
right to examine the evidence of  
chain since Mr. Dymond has asked the  
witness about material and objects  
that were in Dallas on the 22nd of  
November, and on which he performed  
tests later on in Washington, D.C.

MR. DYMOND:

I think if the State wants to come out and

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charge the Federal Government with fraud they ought to say so. I don't think this has any relevancy at all to the testimony of a ballistics expert who is testifying as to the results of certain tests performed by him.

THE COURT:

My ruling yesterday with respect to

Mr. Frazier's testimony was that I did not permit him to testify that what was given to him was the gun but that he made tests on a gun. Do you recall that was my ruling yesterday?

MR. ALCOCK:

I also recall he was able to testify as to the ownership of the coats and shirts as being the coat and shirt of President Kennedy and the presidential limousine.

MR. DYMOND:

First of all there was no objection by the State to that. It is in the record. If a foundation had to be





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1 Hospital, and what may or may not have  
2 happened in regard to various pieces of  
3 evidence that were found in Dealey Plaza?

4 THE COURT:

5 You have asked about five questions in  
6 one. Break it down, Mr. Oser.

7 BY MR. OSER:

8 Q Did you make an attempt to obtain any F.B.I.  
9 reports regarding the Presidential  
10 limousine while it was in Dallas, Texas,  
11 on November 22, 1963?

12 MR. DYMOND:

13 Objection. Our objection is that it has  
14 not been established yet that any  
15 such reports were then in existence.  
16 I think before he asks this witness  
17 whether he attempted to get reports  
18 it should be first determined whether  
19 there were any reports in existence  
20 at that time, which I doubt, the day  
21 after the assassination.

22 THE COURT:

23 Mr. Oser, your question assumes there  
24 were reports. Can you preface your  
25 question by asking Mr. Frazier

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whether there were any reports?

MR. OSER:

I asked him if he attempted to obtain any  
of these reports, if there were any.

MR. DYMOND:

That was not the question. We do not  
object to the question in that form.

BY MR. OSER:

Q Did you attempt to obtain any F.B.I. reports  
regarding the Presidential limousine  
while it was in Dallas, Texas on November  
22, 1963?

MR. DYMOND:

Objection, that is not the question which  
Mr. Oser said he would ask.

THE COURT:

Will you rephrase your question.

BY MR. OSER:

Q Did you attempt to obtain any F.B.I. reports  
which may have been written at the time  
you conducted your investigation in regard  
to the Presidential limousine in Dallas,  
Texas, on November 22, 1963?

A No, I did not.

Q Are you familiar with the -- with a supplemental

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1 F.B.I. report filed on January 13, 1964,  
2 regarding the Presidential limousine and  
3 disclosing there was a dented area in the

4 MR. DYMOND:

5 We object to Counsel stating what an  
6 F.B.I. report discloses. This amounts  
7 to Counsel testifying.

8 THE COURT:

9 If it is a prior contradictory statement I  
10 will permit it. You cannot read  
11 from a report.

12 MR. OSER:

13 The witness is under corss-examination.

14 He has testified about this complete  
15 and exhaustive examination he did,  
16 and I want to know if he found a  
17 dent in the chrome above the wind-  
18 shield.

19 THE COURT:

20 Ask him that instead of reading the  
21 report.

22 BY MR. OSER:

23 Q You examined the car, didn't you, Mr. Frazier,  
24 the President's car?

25 A Yes, I did.

1/9

1 Q Did you find any dent in the chrome area above  
2 the windshield?

3 A Yes, there was.

4 Q You didn't refer to this on Direct Examination,  
5 you referred to the windshield.

6 A Only indirectly, when he asked me if I found  
7 any other bullet impact areas and I said  
8 that I found none that I could identify as  
9 such.

10 Q You don't know whether any other members of the  
11 F.B.I. Ballistics Department made a deter-  
12 mination about this area that it would  
13 have been caused by bullet fragments, do  
14 you?

15 A I was aware of the F.B.I. firearm and ballistic  
16 examinations.

17 Q Were you familiar with such a report of  
18 January 13, 1964?

19 MR. DYMOND:

20 If he has the report I ask that it be  
21 submitted to Mr. Frazier.

22 THE COURT:

23 He has stated that he was familiar with  
24 all the reports, as I understand it.

25 MR. DYMOND:

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He's being asked now whether he was

familiar with the report of a certain date, which I think is an unfair question. If Counsel has a report I ask it be shown to the witness and he be asked if he is familiar with it.

THE COURT:

I cannot tell the State how to run their case, nor can I tell you how to run yours, Mr. Dymond. You may proceed, Mr. Oser. Ask him if he is familiar with the report.

BY MR. OSER:

Q Are you familiar with the report I am speaking about?

A I don't recall any reports by date.

Q Were you the only ballistics expert from the F.B.I. involved in the investigation of President Kennedy's death?

A No, sir, there were two others.

Q Who were they?

A Courtland Cunningham and Charles Killian.

Q In examining the car did you have occasion to take the measurements of the jump seats

1/11

1 and the rear seat area of the President's  
2 car?

3 A I don't recall that I did.

4 Q You are not able to state how far in front of  
5 the rear seat were the jump seats in the  
6 President's car?

7 A I don't recall taking that measurement or  
8 testifying concerning it.

9 Q I believe you testified, Mr. Frazier, the  
10 Presidential limousine was not used in  
11 the reconstruction, is that correct?

12 A Yes, sir.

13 Q Why?

14 A I don't know why of my own knowledge. I under-  
15 stand it was being reconstructed and  
16 refurbished inside.

17 Q You all didn't perform a reconstruction until  
18 May 24, 1964, is that correct?

19 A Yes, sir, that is correct.

20 Q Which is some five or six months after the date  
21 of the shooting, is that right?

22 A Yes, sir.

23 Q Can you tell me which car did you all use for  
24 the reconstruction?

25 A We used a Cadillac limousine.

1/12

1 Q Can you tell me whether or not the measurements  
2 of the Cadillac limousine corresponded to  
3 the Presidential limousine in regard to  
4 the jump seats and the rear seat?

5 A It is my impression they did not correspond  
6 exactly to the measurements either in  
7 height -- well, I don't know about the  
8 lateral displacement.

9 Q As an expert in the field of ballistics, can  
10 you tell me why you didn't call for the  
11 Presidential limousine to be used in your  
12 reconstruction which would have been the  
13 best piece of evidence to be used at that  
14 time?

15 MR. DYMOND:

16 I object to Counsel passing upon the  
17 quality of evidence.

18 THE COURT:

19 He doesn't know why the original car  
20 wasn't used.

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22  
23 NO HIATUS HERE.  
24  
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MR. OSER:

I am asking why he didn't call for the original car to be brought to Dallas, Texas, for the May 24, 1964 reconstruction.

MR. DYMOND:

I object to Counsel labelling that car as the best evidence.

MR. OSER:

I will ask him why he didn't call for the limousine the President was in at the time he was shot to be brought to Dallas on May 24, 1964 for his reconstruction.

THE COURT:

Did you have authority to make such a request, Mr. Frazier?

THE WITNESS:

No, sir.

THE COURT:

Let us go to another subject.

BY MR. OSER:

Q For anything that you may have needed in your reconstruction you had to go to someone higher up to get permission to use it, is

C2-N2

1                   that so?

2       A       No, sir, that is not quite right. This recon-  
3                   struction was handled in its entirety by  
4                   members of the President's Commission  
5                   investigating the assassination of Presi-  
6                   dent Kennedy. All facts, details, and the  
7                   entire reconstruction was in their care  
8                   and they handled it the way they specified  
9                   and desired. I was there merely as a con-  
10                  sultant to the President's Commission.

11      Q       You were merely carrying out the directions of  
12                   what the Warren Commission wanted and you  
13                   conducted your tests according to that, is  
14                   that what you are saying?

15      A       Generally speaking, yes.

16      Q       During your reconstruction, Mr. Frazier, can  
17                   you tell us whether or not you had availa-  
18                   ble to you, and did you use, any FBI re-  
19                   ports of an interview with Mr. and Mrs.  
20                   William Newman?

21      A       I don't recall any reports I saw. Are you  
22                   speaking of Field Office reports or  
23                   Laboratory reports?

24      Q       I am speaking of any reports containing an  
25                   interview with Mr. and Mrs. Newman.

C2-N3

1 THE COURT:

2 He told you he didn't recall any reports  
3 he saw. If he didn't recall any,  
4 then he didn't recall that particular  
5 one, obviously.

6 BY MR. OSER:

7 Q Did you see at any time any statements made by  
8 any of the witnesses in Dealey Plaza on  
9 November 22, 1963?

10 A Are you speaking of any reports or did I talk  
11 to any witnesses?

12 Q First I am asking you if you saw any statements  
13 alleged to have been made by any of the  
14 witnesses in Dealey Plaza on November 22,  
15 1963?

16 A I don't recall.

17 Q I believe you testified the people that were  
18 used in the reconstruction were placed in  
19 their relative positions by the Warren  
20 Commission, is that correct?

21 A Yes, sir, according to the Zapruder film and  
22 other films.

23 Q Did you place them?

24 A No, but I was present at that reconstruction.

25 Q You were in the sixth floor window, were you

2-N4

1 not, of the Texas School Depository Build-  
2 ing?

3 A During the time the reconstruction was run I  
4 was in that window. However, I was at  
5 other places at other times.

6 Q How much of the Zapruder film did you see?

7 A All of it.

8 Q What type of examination did you make of the  
9 Zapruder film?

10 A I made three examinations of it. I saw the  
11 film run several times at normal speed  
12 through a normal projector. I then ex-  
13 amined the film generally, that is, I  
14 looked at each frame in the film, frame  
15 by frame. Then I examined enlargements  
16 which had been made of this film of each  
17 frame of the film. In that regard I con-  
18 centrated mostly on particular frames which  
19 had been selected by the President's Com-  
20 mission.

21 Q Am I correct in stating you did testify in  
22 front of the Warren Commission?

23 A Yes, sir.

24 Q Do you recall testifying in front of the Warren  
25 Commission and making a statement to them,

2-N5

1 "I have not made a very thorough study of  
2 the Zapruder film"?

3 A That's right, I didn't consider my study of the  
4 Zapruder film a thorough study.

5 Q You said you had occasion to measure President  
6 Kennedy's coat and his shirt, is that  
7 right, sir?

8 A No, sir, I did not make any measurement of his  
9 coat or shirt. I made a measurement of a  
10 hole appearing in the back of these items  
11 and a hole appearing in the front of the  
12 shirt.

13 MR. OSER:

14 May I show this to Defense Counsel on the  
15 other side of the bar?

16 THE COURT:

17 Yes.

18 MR. OSER:

19 Your Honor, at this time the State wishes  
20 to display to the witness exhibits  
21 that are fairly large.

22 THE COURT:

23 I can't hear.

24 MR. OSER:

25 The State wishes to display to the witness

12-N6

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certain exhibits that are fairly  
large at this particular time.

MR. WILLIAM WEGMANN:

To which we object. I think the Jury  
should be excused during this argu-  
ment.

THE COURT:

Sheriff, would you mind taking the Jury  
out.

(Whereupon, at this time the Jury  
was taken out of the courtroom.)

THE COURT:

What is it you have there, Mr. Oser?

MR. OSER:

I show the witness what the State marks  
as "S-61," and ask him if he would  
view this exhibit.

BY MR. OSER:

Q I ask you whether or not you are familiar with  
what is depicted in that exhibit.

MR. WILLIAM WEGMANN:

To which we object on the grounds that this  
is a picture of a picture, as I under-  
stand it, and Mr. Oser can correct me  
if I am wrong, it is a picture of a

12-N7

1 picture out of the Warren Commission  
2 section on exhibits. If you are  
3 going to put part of the Warren  
4 Commission in, we ought to put it  
5 all in. We cannot pick out a picture  
6 here and a picture there and claim it  
7 is admissible. This is a picture  
8 for which no foundation has been laid  
9 other than the fact the witness may  
10 be familiar with the coat which is --

11 THE COURT:

12 If the witness can identify the picture  
13 I will permit him to be examined on  
14 the photograph. I will permit the  
15 question. I am not letting the  
16 Warren Commission Report come in in  
17 any way.

18 BY MR. OSER:

19 Q Are you familiar, or can you recognize what is  
20 depicted in this exhibit?

21 MR. WILLIAM WEGMANN:

22 You have to trace the history of the  
23 picture. You cannot merely ask him  
24 if he recognizes --

25 THE COURT:

C2-N8

1 All I want to know is if the witness can  
2 recognize it. If he can, he can be  
3 examined on it.

4 MR. WILLIAM WEGMANN:

5 I think the witness should be instructed  
6 he has to recognize the contents of  
7 the picture and not the exhibit num-  
8 ber which is shown on the bottom of  
9 the picture.

10 THE COURT:

11 Do you recognize the picture without know-  
12 ing what exhibit number it may or may  
13 not be?

14 THE WITNESS:

15 No, sir, I do not. I could not recognize  
16 the objects shown, nor have I seen  
17 this exhibit before. As to whether it  
18 portrays something I saw before, it  
19 is beyond my knowledge at this time.  
20 I wouldn't say this is an accurate  
21 reproduction of any photograph I ever  
22 saw.

23 THE COURT:

24 When you were making your ballistic tests  
25 on the coat which you have described



12-N9

1 as President Kennedy's coat and  
2 Governor Connally's coat, from that  
3 photograph would you say that is  
4 similar? Does that photograph repre-  
5 sent a similar coat to the one you  
6 examined?

7 THE WITNESS:

8 I think I could go that far; it is generally  
9 similar, yes, sir.

10 THE COURT:

11 If the photograph is offered as being  
12 similar to the coat, then I will ad-  
13 mit it.

14 MR. DYMOND:

15 All coats are similar.

16 THE COURT:

17 Let us see the rest of the pictures at this  
18 time so we don't have to bring the  
19 Jury in and out.

20 BY MR. OSER:

21 Q I show you what the State marks for identifica-  
22 tion as "S-62," and ask you if can recognize  
23 what is depicted on this photograph and  
24 whether it is similar to the shirt and tie  
25 you have testified to as having examined

C2-N10

1 on direct examination?

2 A It is generally similar to the items which I  
3 examined, yes, sir.

4 Q I show you what the State marks as "S-63" for  
5 purposes of identification and ask you  
6 if you can identify what is depicted in  
7 that photograph as being similar to the  
8 type of pellet you examined during your  
9 investigation and to which you testified  
10 on direct examination in reference to  
11 Commission Exhibit 399?

12 A Yes, it is.

13 THE COURT:

14 You have given them a number but you have  
15 not marked them.

16 MR. OSER:

17 That was 63.

18 THE COURT:

19 This is 64 coming up?

20 MR. OSER:

21 Yes, sir.

22 BY MR. OSER:

23 Q I now show you what the State marks as "S-64"  
24 for purposes of identification. I ask  
25 you if you can recognize what is depicted

12-N11

in that exhibit as being similar to the reconstruction, or part of the reconstruction you participated in on or about May 24, 1964?

A I don't recall that situation at all. I don't recall seeing that photograph.

MR. DYMOND:

May I see that, Mr. Oser?

THE WITNESS:

I would say that represents generally the situation that existed, but the angle of the dotted line across the photograph is entirely out of proportion to what actually existed.

THE COURT:

What you could say is that it is similar and generally represents, aside from the dotted line, it generally represents the reenactment?

MR. DYMOND:

If the Court please, I could be incorrect in this, but I don't think so, and I will ask Mr. Oser to tell me if I am wrong, but I would think the line is the primary purpose for the use of

C2-N12

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that picture.

MR. OSER:

No, it is not.

THE COURT:

Don't say what the purpose is.

MR. OSER:

I am not going to, Your Honor.

THE COURT:

The witness cannot agree or disagree with  
what the purpose is.

BY MR. OSER:

Q I show you what the State now marks as "S-65"  
for the purpose of identification, and ask  
you if you are familiar with what is con-  
tained in this exhibit with anything you  
have seen before?

A I have seen a bullet similar to that before, yes.

THE COURT:

I understand the legal situation, you wanted  
to go into this out of the presence of  
the Jury so they would not see the  
photographs. I understand the State  
now wishes to bring the Jury back and  
examine the witness and make an offer  
of "S-61, 62, 63, 64, and 65," as

C2-N13

1 being similar, and the witness has  
2 so stated they generally represent  
3 the objects and they are similar.

4 MR. OSER:

5 Similar, that is right, Your Honor.

6 THE COURT:

7 With that understanding, I will admit those  
8 as being similar. You may make your  
9 objection at the proper time, Mr.  
10 Dymond.

11 MR. DYMOND:

12 As to which ruling we object at this time  
13 on the ground the proper foundation  
14 has not been laid for these exhibits  
15 and the statement by the Court that  
16 they are similar --

17 THE COURT:

18 I cannot hear you.

19 MR. DYMOND:

20 And the statement by the Court that they  
21 are merely similar is not sufficient  
22 ground for the introduction or use  
23 in evidence, making the offer, testi-  
24 mony and record up to this time, to-  
25 gether with the Exhibits S-61, 62, 63,

C2-N14

64 and 65 and the ruling of the Court  
all part of the bill.

THE COURT:

You will have to renew your objection in  
the presence of the Jury.

Bring the Jury back.

(Whereupon, the Jury was escorted  
back into the courtroom.)

THE COURT:

You may proceed, Mr. Oser.

MR. DYMOND:

We at this time would like to renew our  
bill in the presence of the Jury, with  
all of the component parts which I  
have set forth previously.

THE COURT:

You will have to do it in the presence of  
the Jury over again, Mr. Oser.

BY MR. OSER:

Q You have testified you conducted various measure-  
ments involving President Kennedy's coat  
concerning a hole in his coat, is that  
correct?

A Yes, sir.

Q I show you what the State marks for the purposes

C2-N15

of identification as "S-61" and ask you to view this exhibit, and tell me whether or not you have ever seen this exhibit before, and if this exhibit shows a coat which is similar to the coat you examined during your investigation, and about which you have testified, sir?

A No, I have not seen this exhibit before today. However, it appears to represent a coat similar to the one which I examined.

MR. OSER:

At this time the State wishes to offer, introduce and file into evidence that which is marked for the purposes of identification as "S-61," being a coat similar to the type examined by Mr. Frazier.

MR. DYMOND:

To which offer we object on the ground that proper foundation has not been laid and the mere similarity is not sufficient to permit it to be introduced and used in evidence.

THE COURT:

I will admit it as being similar to the

C2-N16

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object it purports to be.

MR. DYMOND:

To which we object, making the entire  
testimony up to this time, the offer,  
S-61, together with the ruling of the  
Court and the reasons for the objec-  
tion part of the bill.

NO HIATUS HERE.



Ph.  
3/1

BY MR. OSER:

Q I believe you also testified you had occasion to examine the shirt and the tie of President Kennedy with respect to certain holes and tears in these particular items, is that correct?

A Yes, sir.

Q I show you what has been marked as S-62 for the purposes of identification, and ask you whether or not you can tell The Court what is depicted in this particular exhibit is similar to the shirt and tie which you examined during your investigation, sir?

A Yes, it is similar.

MR. OSER:

At this time the State wishes to offer, introduce and file into evidence that which is marked for the purposes of identification as S-62 as being similar.

MR. DYMOND:

Same objection for the same reasons, Your Honor.

THE COURT:

The ruling is the same.

3/2

MR. DYMOND:

Same bill except the exhibit number will  
be different.

(Whereupon, the document offered  
by counsel was received into  
evidence.)

BY MR. OSER:

Q Mr. Frazier, I think you also testified a  
reconstruction was performed in which two  
men or two stand-ins were used for the  
President and Governor Connally in the car  
you photographed, is that correct, sir?

A No, that is not, sir. I didn't take the  
photographs.

Q While you were on the sixth floor of the Texas  
School Book Depository did you have any  
occasion to view a car that was proceeding  
in the direction the Presidential limousine  
was proceeding on November 22, containing  
two people in the relative positions that  
President Kennedy and Governor Connally  
were on that particular day?

A Yes, sir.

Q I show you what the State marks for the  
purposes of identification as S-63, and

1 I ask you whether or not what is depicted  
2 in this particular photograph is similar  
3 to what you have seen during the recon-  
4 struction that you assisted in performing?

5 A I would say the individuals are similar. I  
6 don't recall the dotted line across the  
7 photograph as being in the proper plane  
8 with reference to the horizontal, if the  
9 photograph itself was taken with a  
10 horizontal line along the bottom of the  
11 photograph. Other than that it is similar.

12 MR. OSER:

13 At this time the State wishes to offer,  
14 introduce and file into evidence that  
15 which is marked as S-63 for the pur-  
16 poses of identification.

17 MR. DYMOND:

18 Same objection, Your Honor.

19 THE COURT:

20 Same ruling.

21 MR. DYMOND:

22 Same bill of exception except the exhibit  
23 number will be different.

24 (Whereupon, the document offered  
25 by counsel was received into evidence.)

107  
3/4

1 BY MR. OSER:

2 Q Now, Mr. Frazier, referring to State Exhibit  
3 61, the one on the far right, I ask you  
4 can you tell us how or whether or not that  
5 picture of that coat is dissimilar to the  
6 coat you examined?

7 A The photograph doesn't show the detail which  
8 was observed at the time of the examina-  
9 tion since this shows some printing  
10 process as being a copy of a photograph  
11 or a copy of a copy of a photograph. I  
12 can't tell, it may even be from a magazine  
13 article, since this is a picture that  
14 shows the printing process and not the  
15 details of the coat. But generally speak-  
16 ing, it represents the coat.

17 Q With regard to State Exhibit 61, can you point  
18 out for us on that particular visit using  
19 the coat depicted in that exhibit the  
20 location where you found the hole measur-  
21 ing, as you testified, 5-3/8 inches down  
22 from the collar and 1-3/4 inches to the  
23 right of the mid-line of the coat?

24 A No, sir, that coat doesn't show the full collar  
25 and it would not be possible to point out

167  
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103

1 the hole.

2 Q Can you give us the 1-3/4 inches to the right  
3 of the mid-line approximately?

4 A No, sir, the mid-line isn't shown in the photo-  
5 graph, therefore I cannot locate the hole  
6 for you.

7 Q You cannot approximate it for me, Mr. Frazier?

8 A There is no reference point in this photograph.

9 Q I show you what appears to be a white line on  
10 this particular exhibit, and I'm pointing  
11 to the top part of the end of this white  
12 line, and ask you whether or not that  
13 would not be the approximate location of  
14 the hole that you found in President  
15 Kennedy's coat?

16 A There is no way for me to determine that since  
17 neither the collar from which I took one  
18 measurement is shown nor is the mid-line  
19 shown from which I took the other measure-  
20 ment.

21 Q You cannot approximate the location?

22 A No, sir.

23 Q The point I am pointing to now, do you say you  
24 cannot find the hole there?

25 A Are you referring to the top of the right

104  
3/6

105

1 shoulder?

2 Q That is correct.

3 A No, sir, I cannot.

4 Q Referring to the shirt, can you tell us the

5 measurements with regard to the hole in

6 the back of the shirt?

7 A 5-3/4 inches below the top of the collar in

8 the back and approximately 1-1/8 inches

9 to the right of the center of the shirt.

10 Q Using State Exhibit 62, I direct your attention

11 to the far right-hand quadrant, and ask you

12 whether you can point out on this exhibit

13 the approximate location of the hole you

14 found in President Kennedy's shirt when

15 you measured it and examined it?

16 A No, sir, because the photograph doesn't repre-

17 sent the back of the collar sufficiently

18 accurately to locate it, nor is the

19 center line of the shirt shown. I can

20 give you the approximate area but I

21 couldn't point it out exactly.

22 Q Would you give me the approximate area if you

23 would, please?

24 A There is no way to describe actually this area

25 I am pointing out, except to measure it on

1/7

1 photograph.

2 Q Would you please with this pen circle the

3 general area you have just described by

4 pointing?

5 A Yes, sir. (The witness drew a circle with the

6 pen on the exhibit.)

7 Q May I ask you to point it out with a red

8 pencil? I think it may show it a little

9 better.

10 A (The witness drew a red circle on the

11 exhibit.)

12 Q With regard to the front part of the shirt

13 which you examined, can you use State

14 Exhibit 62, the lower right-hand quadrant,

15 and point out there the approximate

16 location of the slit or tear in the shirt

17 as you found it when you examined it?

18 A Yes, sir.

19 Q Will you mark it with a pen, please?

20 A (The witness marked it with a pen.)

21 Q I also ask you in regard to the tie which you

22 examined, and refer you to the lower

23 left-hand quadrant of State Exhibit 62,

24 and ask you whether or not you can point

25 out the general area where you located the

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1                   nick or tear in the President's tie when  
2                   you examined it, and if you can will you  
3                   circle that with a red pencil, please?

4       A       Yes, sir. (The witness circled it with a  
5               red pencil.)

6       Q       The hole as you found it in the coat,  
7               Mr. Frazier, was that a single hole  
8               through and through the coat?

9       A       Yes, sir, it was.

10      Q       Would your answer be the same as to the hole  
11              in the back of the shirt, being a single  
12              through and through hole in the garment?

13      A       Yes, sir.

14      Q       Can you tell us, Mr. Frazier, during your re-  
15              construction on May 24, 1964, whether or  
16              not the coat and the shirt were worn by  
17              the stand-in at the time you all were  
18              conducting this reconstruction?

19      A       Only the stand-in for the Governor who was at  
20              that time wearing the Governor's coat.  
21              The stand-in for the President was not  
22              wearing the President's coat.

23      Q       And the coat that the stand-in for the Governor  
24              was wearing had been worn by the Governor?

25      A       Yes, sir, that is correct.



101  
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1 Q While you were conducting the reconstruction  
2 did you have occasion from your position  
3 at the sixth floor window of the Texas  
4 School Book Depository, using the  
5 telescopic sight, to have your attention  
6 drawn to the stand-in of the President  
7 by a mark on any particular thing?

8 A Yes, sir.

9 Q What was that?

10 A While looking through the telescopic sight a  
11 person on the ground placed his finger  
12 against the back of the Presidential  
13 stand-in on a particular point. I lined  
14 up the telescopic sight on that point.  
15 This point was determined from the  
16 medical testimony. They placed a mark on  
17 the coat at that point and measured approxi-  
18 mately 10 inches below that point, and  
19 placed another mark this time on the car  
20 which represented the spot with reference  
21 to the ground at which the bullet struck,  
22 since the Cadillac, that is the President's  
23 stand-in, was seated approximately 10  
24 inches higher during the reconstruction in  
25 the Cadillac than the surveyor said he

3/10

1 would have been riding in the Presidential 108  
2 limousine. Therefore they placed a mark  
3 to represent the actual bullet impact  
4 point on the car. This was true for both  
5 the President's stand-in and the  
6 Governor's stand-in.

7 Q Can you describe the type of mark that was  
8 placed for us in relation to the  
9 President's stand-in?

10 A I recall on the coat was a chalk mark and a  
11 piece of white tape on the car, if I  
12 remember correctly.

13 Q Am I correct in saying that in regard to the  
14 stand-in for President Kennedy you were  
15 using the skin hole in President  
16 Kennedy's back as opposed to the coat  
17 hole, is that correct?

18 A Yes.

19  
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21 NO HIATUS HERE.  
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C4-N1

1 Q In regard to Governor Connally, you were using  
2 the coat hole and not the skin hole of  
3 Governor Connally in your reconstruction,  
4 is that correct?

5 A That I don't know. I don't know whether they  
6 took that into consideration with reference  
7 to the Governor or not.

8 Q In regard to the Governor, you were using the  
9 Governor's coat that he wore that day,  
10 presumably?

11 A Yes, sir.

12 Q Mr. Frazier, can you tell us why the skin hole  
13 of the President, if I may call it that,  
14 was used in regard to the President's stand-  
15 in and the coat hole of the Governor was  
16 used?

17 A I just testified I don't know if they used the  
18 coat hole of the Governor, therefore I  
19 can have no opinion as to this question.  
20 I know they used the hole determined by  
21 the distance below the mastoid and the  
22 distance the doctor said the hole occurred  
23 on the President's body to locate that  
24 hole. As far as the Governor is concerned,  
25 I don't know if they did that or not.

-N2

1 Q Was there a mark on the back of the Governor's  
2 stand-in for you to view from the sixth  
3 floor?

4 A Yes, there was.

5 Q That particular mark that was placed on the  
6 Governor's stand-in, did that correspond  
7 to the hole in the jacket or coat the  
8 stand-in was wearing?

9 A I couldn't tell from the sixth floor. I  
10 couldn't see that well.

11 Q At any time did you have an occasion to make a  
12 close observation of these two stand-ins  
13 at any time?

14 A Yes, sir.

15 Q At the time you had an occasion to view these  
16 gentlemen close up, did you see any mark  
17 on the back of the Governor's stand-in?

18 A Yes, sir.

19 Q Can you tell us whether or not it was in the  
20 approximate location of where the bullet  
21 hole or hole was in the back of the  
22 Governor's jacket?

23 A No, I don't recall whether it was or not.

24 Q Did you attempt to find out whether it was or  
25 not?

14-N3

- 1 A Did I?
- 2 Q Yes, sir.
- 3 A No, sir.
- 4 Q In referring to State Exhibit 63, what I am  
5 now pointing to, can you tell us whether  
6 or not this appears to be similar to the  
7 scene as you saw it on that particular  
8 day during part of the reconstruction?
- 9 A No, sir, it does not.
- 10 Q What is dissimilar about it, sir?
- 11 A In the photograph the President is approximately  
12 on the same level with the Governor, where-  
13 as during the reconstruction he was located  
14 slightly higher than the Governor. Second-  
15 ly, the location of the white dot on the  
16 President's stand-in with the line through  
17 it is located too far down on the person.  
18 I don't recall whether or not there was a  
19 chalk circle on the Governor's stand-in's  
20 coat.
- 21 Q When you viewed the Governor's stand-in through  
22 the telescopic sight, did you see any mark  
23 on this particular person?
- 24 A Yes, sir, I did. I don't recall what type mark,  
25 whether it was a piece of white tape or chalk.

C4-N4

112

1 Q Could it have been a piece of white tape or  
2 chalk mark on the coat?

3 A Yes, sir.

4 Q Mr. Frazier, you testified on direct examination  
5 with regard to the Zapruder Frame 313, in  
6 answer to one of Mr. Dymond's questions,  
7 that you had a clear shot of the President  
8 at Frame 313 from the sixth floor of the  
9 Texas School Book Depository. Is that  
10 right?

11 A Yes, sir.

12 Q In referring to State Exhibit 36, this mock-up,  
13 I would ask you to step down and ask you  
14 whether or not you can recognize what this  
15 depicts. It is not made to scale. I ask  
16 you whether or not it is similar to any  
17 location you have seen before.

18 A Yes, sir, I recognize the general scene.

19 Q Can you tell us what that general scene depicts  
20 to you, sir, what location in the United  
21 States?

22 A The location of Dallas, Texas.

23 Q Would that be a location commonly known as  
24 Dealey Plaza, sir?

25 A Yes, sir.

C4-N5

1 Q In using State Exhibit 36, can you point out  
2 what location you were, or what window  
3 you were in when you were constructing  
4 your part of the reconstruction?

5 A In the window just below the cornice and one  
6 floor down from the seventh floor, which  
7 would be the sixth floor window, the  
8 window on the corner nearest the adjacent  
9 building.

10 Q Can you tell us whether or not on Frame 313 of  
11 the Zapruder film, if there was not a clear  
12 shot at the President's head or President's  
13 body from the top of the Records Building?

14 A I was not on the Records Building, so I have  
15 no way to judge that.

16 Q Did you have occasion to view the Records Build-  
17 ing?

18 A I don't know what the Records Building is.

19 Q If I point to this particular building, this  
20 light gray or light blue building and ask  
21 you whether or not there was a clear shot  
22 of the Presidential limousine at Frame 313  
23 from this location --

24 A I couldn't tell you, I was never there.

25 Q Do you recall any obstructions that would have

-N6

prevented anyone having a clear shot at the Presidential limousine from that position?

A Only a few trees along the pond or pool along the street there. I don't recall how high they were or where they were located.

Q I also ask you whether or not in referring to the red building, which is next to the Texas School Book Depository in which you were, whether or not from this particular building, from the roof or top floor, whether or not there was a clear shot into the Presidential limousine at approximately Frame 313 of the Zapruder film?

A I cannot answer that, since I was never in that building or on it.

Q Do you recall any particular obstructions that would have prevented such a shot?

A No, sir.

Q Can you tell us whether or not there was a clear shot at the Presidential limousine at Frame 313 from the area of the grassy knoll, more specifically the picket fence area?

A I don't know to what you are referring.



-N7

1 Q I point on this particular plat to an area  
2 of Dealey Plaza containing a small build-  
3 ing, and to the right of that particular  
4 building between the railroad tracks a  
5 small picket fence area on a rise higher  
6 than the ground level of the street, and  
7 ask you whether or not from that particu-  
8 lar location there could have been a clear  
9 shot at the Presidential limousine at  
10 approximately Frame 313?

11 A I can't answer that unless I had been over  
12 there and walked along that area.

13 Q At any time during your investigation and re-  
14 construction did you take any views or  
15 do any investigation in the area I have  
16 described, namely, the light blue-colored  
17 building, the red building or the area of  
18 the picket fence?

19 A No, sir.

20 Q Mr. Frazier, can you tell us from the position  
21 you were in at the sixth floor of the  
22 Texas School Book Depository Building,  
23 what the vertical angle, the angle from  
24 the window to the street area at Frame 313  
25 was? Can you calculate that? If so, can

4-N8

1                   you give me the approximate angulation  
2                   downward?

3       A       As I recall it was approximately 17 degrees.

4       Q       Mr. Frazier, can you tell me if the Presidential  
5                   limousine was in the position it was in  
6                   at Frame 313, whether or not you all took  
7                   a perpendicular line and drew that perpendicu-  
8                   lar through the Governor and through Presi-  
9                   dent Kennedy back up Elm Street, and then  
10                  calculated the lateral angle from the sixth  
11                  floor window down to the Presidential  
12                  limousine at Frame 313?

13      A       I don't know what you mean when you refer to a  
14                  perpendicular line.

15      Q       Assuming Mr. Dymond is the Governor and I am  
16                  the President, would you say we are in  
17                  relatively the same position? By that I  
18                  mean I am in back of him. Did the  
19                  Zapruder film show that to you, one behind  
20                  the other?

21      A       No, sir, the Governor was sitting more to the  
22                  left.

23      Q       Would you say basically we were one behind the  
24                  other?

25      A       No, sir, I would say the Governor was sitting

4-N9

1 more to the left of the President, not  
2 completely in front of him but partway  
3 over.

4 Q Then if you take a line, and using myself as  
5 the President, and drew a line straight  
6 through me, all the way back, and placing  
7 the car at Frame 313, and drew that line  
8 all the way back, did you calculate the  
9 lateral angle from the sixth floor window  
10 down to where that car was?

11 A I don't know whether it was actually recorded  
12 or not. It was plotted on a plat which  
13 showed the horizontal angle.

14 Q The horizontal angle?

15 A That's right, between the axis of the car,  
16 but in that reference the axis created  
17 between the center of the President's  
18 body and the center of the Governor's  
19 body, it was not the same as the axis of  
20 the vehicle.

21 Q Did you calculate it with regard to the skin  
22 hole in the President's back which you  
23 were using in your reconstruction, drawing  
24 a line through the skin hole in the  
25 President and back this way and calculate

C4-N10

1 that angle down for the lateral angle?

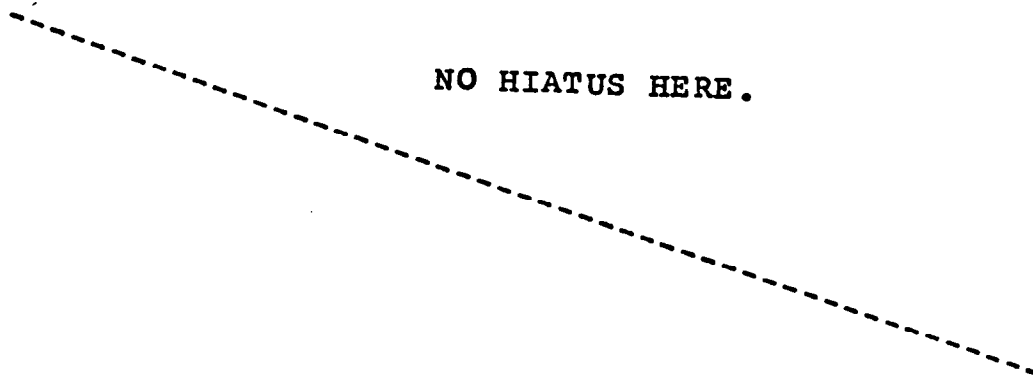
2 A I don't understand what you are talking about.

3 The angle of the President in the car, the  
4 angle of the car in the street?

5 Q You are at the sixth floor of the Texas School  
6 Book Depository Building looking down at  
7 this car which you are using in this re-  
8 construction. As you are looking down  
9 at that car and the individual represent-  
10 ing the President, when you saw this white  
11 spot or chalk mark or white tape on the  
12 back of the stand-in of the President,  
13 which represented the skin hole, did you  
14 take a straight line and draw it through  
15 that individual straight back and calculate  
16 how far to the right you were, by that I  
17 mean the lateral angle?

18 A You mean the lateral angle of the axis of the  
19 automobile to the building?

20  
21 NO HIATUS HERE.  
22  
23  
24  
25



119  
Ph.  
5/1

128

1 Q No. Did you all draw a line through there  
2 and calculate --

3 MR. DYMOND:

4 I object. In order to have an angle you  
5 have to have two points, and he has  
6 not asked that.

7 THE COURT:

8 I think the question was very confusing.  
9 I don't think the witness understands  
10 it. I don't understand what the  
11 question is either.

12 BY MR. OSER:

13 Q How many lateral angles did you all measure?

14 A As I recall the angles were plotted. I don't  
15 know whether they actually measured the  
16 angles or not. That was not part of my  
17 job.

18 Q If they were measured you couldn't tell us at  
19 this time what those angles were?

20 A That is correct.

21 Q Mr. Frazier, directing your attention to State  
22 Exhibit 34, I ask you whether or not you  
23 can see this particular exhibit from where  
24 you are, sir?

25 A Yes, sir.

5/2

1 Q I ask you whether or not you recognize what  
2 this is?

3 A It represents the Dealey Plaza area in Dallas.

4 Q Am I correct in pointing to a window in a  
5 building as being where you were at the  
6 time of the reconstruction on the sixth  
7 floor?

8 A Yes, sir.

9 Q Are you familiar also with the fact the street  
10 that passes in front of the Texas School  
11 Book Depository is known as Elm Street and  
12 the street approaching the Texas School  
13 Book Depository is known as Houston?

14 A One of the streets at the front of the deposi-  
15 tory was Elm Street. There is a very  
16 short dead-end street in front of the  
17 building.

18 Q What about the street that is approaching the  
19 Texas School Book Depository, is that  
20 Houston?

21 A I believe it was, yes, sir.

22 Q From the sixth floor of the Texas School Book  
23 Depository, were you familiar with the  
24 parade route the Presidential motorcade  
25 took that particular day?

1/20  
5/3

1 A Only a portion of it. That is, when they  
2 entered Houston and made the turn onto  
3 Elm and proceeded down under the underpass.

4 Q Were you familiar with the fact that parade  
5 came down Houston towards the School Book  
6 Depository, turned onto Elm Street and  
7 went under the triple underpass, is that  
8 correct?

9 A Yes, sir.

10 Q While you were in the Texas School Depository  
11 sixth floor window, can you tell us  
12 whether or not there was a clear shot  
13 into the Presidential limousine as the  
14 President approached?

15 A There would have been, yes, sir.

16 Q From your view from the sixth floor of the  
17 Texas School Book Depository, can you tell  
18 us whether or not the view from that window  
19 down to Houston Street gave you a fuller  
20 view of the Presidential stand-in's body  
21 than it did looking down Elm Street as the  
22 car moved away from you?

23 A I don't know whether it would or not.

24 Q Can you tell us whether or not, sir, the  
25 reconstruction car drove down Houston

121  
5/4

113

1 Street towards the Texas School Book  
2 Depository and turned left onto Elm Street  
3 at any time you were in the sixth floor  
4 window?

5 A No, sir, it did not.

6 Q Do you have any opinion as to whether or not,  
7 having been there, having done this  
8 reconstruction, whether more of the  
9 President's body as seated in the  
10 Presidential limousine would have been  
11 exposed as the car came to the sixth  
12 floor window down Houston Street as op-  
13 posed to going away from the sixth floor  
14 on Elm Street?

15 A No, sir, I don't.

16 Q Speaking of the examination of the gun, I  
17 believe you testified, Mr. Frazier, that  
18 the gun you examined was similar to this  
19 particular gun, is that correct?

20 A Only in certain features. It is different in  
21 other features.

22 Q I believe you said one of the differences was  
23 this gun was blued and the other gun was  
24 not.

25 A No, sir, I said this gun appeared to be polished



122  
5/5

1 and blued, whereas the gun I examined had  
2 a rough surface.

3 Q What about the color?

4 A The stock is brown.

5 Q What was the color of the gun you examined?

6 A Black.

7 Q I think you also made reference to the fact

8 there was something different with regard

9 to the telescopic sight of the particular

10 gun I am holding in my hand, State

11 Exhibit 18, as opposed to the gun you

12 examined?

13 A Yes, sir.

14 Q Can you describe what the difference was?

15 A The mount of the telescopic sight on this

16 exhibit has four screws in it, whereas the

17 mount of the gun I examined only had two

18 screws in it. It had in addition one

19 hole which had not been used in the mount

20 for which there was no hole in the gun.

21 Secondly, this mount is located too far

22 forward of the gun as compared with the

23 mount of the gun I examined.

24 With reference to the scope, it is

25 moved too far to the rear.

123

125

5/6

1 Those are about all the differences  
2 with regard to the telescope.

3 Q The gun you examined, Mr. Frazier, when was  
4 the first time you saw that particular  
5 gun?

6 A I don't recall the exact time. It was on the  
7 23rd of November. I don't recall the  
8 exact time. I think it was about 7:00  
9 o'clock in the morning of the 23rd of  
10 November, 1963.

11 Q You do recall it was the next day after the  
12 assassination?

13 A That's my recollection, yes.

14 Q Mr. Frazier, can you tell me how the gun came  
15 into your possession from Dallas, Texas,  
16 the scene of the homicide, when Lee Harvey  
17 Oswald was still alive at this time?

18 A No, sir, I can only tell you I received it from  
19 a field agent of the F.B.I.

20 Q He was stationed at Dallas, is that right?

21 A I don't know where he was stationed.

22 Q But he was from the Dallas F.B.I. Office?

23 A Yes, sir.

24 Q Since you conducted firing tests with the rifle  
25 you had, the first set of tests were shot

120  
5/7

126

1 at 45 feet, is that right?

2 A Yes, sir.

3 Q How many men were shooting?

4 A Three.

5 Q What were those men's names?

6 A Courtland Cunningham, Charles Killian and  
7 myself.

8 Q I believe you testified the time to get off  
9 three shots at 45 feet distance was 5.9  
10 seconds, is that right, sir?

11 A Yes, sir.

12 Q How did you arrive at that figure?

13 A Both Cunningham and Killian had stop watches.  
14 They began timing the firing from the  
15 sound of the first shot and ended it at  
16 the sound of the third shot. Their  
17 watches agreed.

18 Q I take it each one of you shot at different  
19 times? Either you shot first,  
20 Cunningham second and Killian third, or  
21 something of that sort, is that right?

22 A Yes, sir.

23 Q When you conducted this test at 45 feet, how  
24 was the gun loaded? What did it have in  
25 it?

125  
5/8

1 A Three cartridges, two in the clip and one in  
2 the chamber.  
3 Q So before you started firing at 45 feet,  
4 Mr. Frazier, the gun you had had a clip  
5 in the rifle with two live cartridges and  
6 one cartridge in the chamber with the bolt  
7 closed, is that correct?  
8 A Yes, sir.  
9 Q Ready to fire?  
10 A Yes, sir.  
11 Q In that time you began firing, you squeezed  
12 off the first shot and got off three shots  
13 in 5.9 seconds?  
14 A Yes, sir.  
15 Q Who got off the shots in 5.9 seconds?  
16 A I did.  
17 Q What was Cunningham's speed?  
18 A Approximately 8 seconds.  
19 Q What was Mr. Killian's?  
20 A Approximately 9 seconds.  
21 Q Then you all moved to 75 feet away, is that  
22 right?  
23 A Yes, sir.  
24 Q Who shot then?  
25 A I did.

176

5/9

- 1 Q Did anyone else shoot?
- 2 A No, sir.
- 3 Q Why not?
- 4 A No particular reason that I can recall.
- 5 Q When you shot at 45 feet, Mr. Frazier, or when
- 6 the three of you shot at 45 feet, why
- 7 didn't you take the average time between
- 8 the three men of 9 seconds, 8 seconds and
- 9 5.9?
- 10 A I have never done that.
- 11 Q You have not -- have never done that?
- 12 A We only fired, each of us only fired three
- 13 shots at 45 feet and we didn't average
- 14 the times.
- 15 Q You can't tell us why Cunningham or Killian
- 16 didn't fire at 75 feet?
- 17 A No, sir.
- 18 Q Could it be because their time was way off at
- 19 9 seconds and 8 seconds at 45 feet?
- 20 A No, sir. I don't know what the reason was.
- 21 Q Those two agents that were firing with you at
- 22 45 feet, do they hold a rating of a
- 23 ballistics expert in the F.B.I.?
- 24 A Yes, they do.
- 25 Q What were your two times at 75 feet?

5/10

1 A 4.8 and 4.6.

2 Q Then if I recall your testimony, you all moved

3 outside to approximately 300 feet away, is

4 that right?

5 A Yes, sir.

6 Q Who did the shooting outside?

7 A I did.

8 Q Killian and Cunningham didn't shoot outside?

9 A No, sir.

10 Q Why?

11 A I don't know.

12 Q What were your times outside, Mr. Frazier at

13 300 feet?

14 A 5.9 seconds for one series of three shots.

15 6.2 seconds, 5.6 seconds and 6.5 seconds,

16 all being a series of three shots.

17 Q At the time that you all were conducting these

18 various tests, who was the highest ranking

19 agent at that particular time? Was it you,

20 Mr. Cunningham or Agent Killian?

21 A I don't understand what you mean by highest

22 ranking.

23 Q Were you over the other two agents? Could you

24 order them what to do?

25 A Could I tell them, instruct them what to do?

130

1 Q Yes, sir.

2 A No, sir.

3 Q Could they order you what to do?

4 A No, sir.

5 Q In other words, you all were the same rank in  
6 the Bureau?

7 A We all held the same position, special agent,  
8 firearms identification, F.B.I. Labora-  
9 tory.

10 Q What type of targets were you using?

11 A At 45 feet we used a silhouette target. At  
12 75 feet we made a round spot on the back  
13 of a paper target. At 300 feet we used  
14 black pasters forming a square, as I  
15 recall, on a white background.

16 Q Will you tell me, I think you testified before  
17 the distance from the sixth floor of the  
18 Texas School Book Depository to the  
19 approximate location of the President's  
20 car in frame 313, was 265 feet, is that  
21 correct?

22 A Yes.

23  
24 NO HIATUS HERE.  
25

C6-N1

1 Q Why did you not use the distance of 265 feet  
2 as opposed to 300 feet?

3 A I don't recall, except the Warren Commission  
4 asked us to conduct these tests at 100  
5 yards or 300 feet. Their reasons for this  
6 I don't know.

7 Q As an expert in this particular field, and as  
8 an investigating officer with all your  
9 years of experience, would you not have  
10 deemed it more reasonable to have shot  
11 the gun at 265 feet, the distance you  
12 measured from the Texas School Book De-  
13 pository down to the President's car,  
14 rather than 300 feet?

15 A No, sir.

16 Q Why not?

17 A All the shots were not fired at 265 feet,  
18 therefore it had no bearing on the situa-  
19 tion.

20 Q Were any of them fired at 45 feet?

21 A I don't know.

22 Q Were any of them fired at 75 feet?

23 A I don't know.

24 Q Were any of them fired at a still target?

25 A No, sir.



C6-N2

1 Q Why did you all use a still target and not a  
2 moving target?

3 A Because we were conducting accuaracy and speed  
4 tests at the same time in order to deter-  
5 mine how fast three aimed shots could be  
6 fired from this weapon, and recording that  
7 time.

8 Q You were not interested in ascertaining whether  
9 or not someone on the sixth floor of the  
10 Texas School Book Depository could have  
11 gotten off three shots with the alleged  
12 accuracy you talked about at a moving tar-  
13 get at the respective distance?

14 A That was not the purpose of our test, otherwise  
15 we would have fired at moving targets.

16 Q But you didn't, did you?

17 A No, sir, we did not.

18 THE COURT:

19 Mr. Oser, I know you are on a second train  
20 of thought, but it is about two minutes  
21 after 12:00. I hate to interrupt at  
22 this moment, but I expect you will  
23 have more questions of Mr. Frazier.

24 MR. OSER:

25 I surely will.

-N3

1 THE COURT:

2 Then we will take a recess for lunch.

3 Mr. Oser, will you need these exhibits in  
4 the same position they are in when we  
5 come back from lunch?

6 MR. OSER:

7 I probably will, Your Honor. I don't know  
8 whether we will or not. I will say  
9 yes at this time.

10 THE COURT:

11 Gentlemen, I must admonish you and instruct  
12 you not to discuss the case amongst  
13 yourselves or any other person until  
14 it is given to you for your decision  
15 and verdict.

16 MR. OSER:

17 Your Honor, will you also instruct the  
18 witness he has a right to talk to the  
19 Defense Attorney and no one else  
20 during the recess.

21 MR. ALFRED:

22 That includes the Government Attorneys.

23 THE COURT:

24 He can certainly speak to his own attorney.

25 I understand the Assistant U.S. Attorney

5-N4

1 is in Court, Mr. Olson. If he wants  
2 to converse with the witness, certain-  
3 ly he may.

4 MR. OSER:

5 No objection to that.

6 THE COURT:

7 Don't discuss your testimony with any other  
8 witness who has already testified or  
9 who will be called to testify. You  
10 may discuss it with the Defense  
11 Attorney or the U.S. Attorney.

12 (Whereupon, at 12:05 o'clock p.m.,  
13 a luncheon recess was taken until  
14 1:30 o'clock p.m.)

15 AFTER THE RECESS:

16 THE COURT:

17 Are the State and Defense ready to pro-  
18 ceed?

19 MR. OSER:

20 The State is ready, Your Honor.

21 MR. DYMOND:

22 The Defense is ready, Your Honor.

23 THE COURT:

24 You may proceed.

25 BY MR. OSER:

N5

1 Q Mr. Frazier, these test firings you conducted,  
2 where were they conducted?

3 A The first two were on the indoor range.

4 Q Whereabouts in the United States?

5 A In Washington, D.C., the first two tests, and  
6 the last test was in Quantico, Virginia,  
7 at the U.S. Marine School.

8 Q The first two tests, was that in the FBI Firing  
9 Range in Washington, D.C.?

10 A Yes, sir.

11 Q From your examination and reconstruction, isn't  
12 it true you testified from the sixth floor  
13 of the Texas School Book Depository down  
14 to the approximate location of where the  
15 limousine was in the Zapruder Film Frame  
16 313, that was approximately 265 feet, is  
17 that correct?

18 A Yes, sir.

19 Q Can you tell me how far you were from the  
20 ground level on the sixth floor of the  
21 Texas School Book Depository?

22 A Approximately 60 feet. A little over 60 feet.

23 Q While you were at the firing range, the indoor  
24 firing range, were you 60 feet above the  
25 target you were shooting at?

6-N6

1 A No, sir.

2 Q How far were you above the target you were  
3 shooting at?

4 A We were firing horizontally.

5 Q Why weren't you 60 feet above the target which  
6 you were shooting at?

7 A I conducted tests at Quantico, Virginia, at the  
8 request of the Commission.

9 Q I am speaking about the two tests you had in-  
10 side now. Why didn't you shoot at a 60-  
11 foot elevation?

12 A That was not the purpose of the test.

13 Q In other words, the Warren Commission didn't  
14 want to know this, is that right?

15 A There was no Warren Commission at that time.

16 Q The representative of the Warren Commission or  
17 the Federal Government didn't want to know  
18 it at that time?

19 MR. DYMOND:

20 We object. How can the Federal Government  
21 want to know anything? The Federal  
22 Government is not a person.

23 THE COURT:

24 Rephrase your question.

25 BY MR. OSER:

6-N7

1 Q No one told you not to shoot at 60 feet?

2 A No, sir.

3 Q Then why didn't you?

4 A I selected the ranges on the indoor range inside  
5 the building at Washington, D.C., for the  
6 purpose of firing time, rapid fire and  
7 accuracy tests with this rifle to deter-  
8 mine at that point in this investigation  
9 whether or not three aimed shots could be  
10 fired from this rifle in a matter of six  
11 seconds. There was no other purpose for  
12 this firing, and it was done horizontally  
13 at 45 feet and 75 feet, because that is  
14 the position on the range where there are  
15 lights to illuminate the targets.

16 Q You say you were trying to ascertain whether  
17 or not this rifle could fire within six  
18 seconds. Why the figure of six seconds?

19 A According to information which had come to me  
20 from various sources I was asked to conduct  
21 this test to see if it could be fired in  
22 that length of time accurately.

23 Q Am I correct in stating that only you of the  
24 three marksmen there could do this in six  
25 seconds?

C6-N-8

1 A I was the only one that fired 75 feet. I don't  
2 know if the others could or not.

3 Q How about 45 feet?

4 A My time was five and nine-tenths seconds at  
5 45 feet.

6 Q What was Mr. Cunningham's?

7 A Approximately eight seconds.

8 Q What was Mr. Killion's?

9 A Nine seconds.

10 Q Above six seconds. Eight and nine are above  
11 six, is that right?

12 A Yes, it is.

13 Q Two marksmen firing at 45 feet couldn't shoot  
14 it at less than six seconds?

15 A That is not so. Their tests were made to see if  
16 they could fire it accurately under those  
17 conditions. Their targets were primarily  
18 accuracy targets. However, they were timed  
19 to see how long it took.

20 Q Didn't you say your purpose was to ascertain  
21 the time of firing and accuracy? Now you  
22 are telling me the only reason you were  
23 firing was because of accuracy. Which was  
24 it?

25 A I didn't just tell you that. I said we fired

C6-N9

1                   these tests to determine whether we could  
2                   fire this weapon three times in six seconds  
3                   with aimed shots, that is for accuracy.  
4                   The primary purpose was to determine the  
5                   accuracy under rapid fire conditions.

6       Q       At the outdoor range was the target some 300  
7                   feet away?

8       A       Yes, sir.

9       Q       What was the elevation at that time off the  
10                  ground?

11      A       I don't recall, but approximately three or four  
12                  feet.

13      Q       Why didn't you set up a range where you would  
14                  have been 60 feet off the ground if you  
15                  were trying to simulate the sixth floor  
16                  of the Texas School Book Depository Build-  
17                  ing?

18      A       We selected our conditions under the instruc-  
19                  tions of the President's Commission. They  
20                  said fire the shots at a stationery target  
21                  at a horizontal distance of 100 yards. Why  
22                  they selected those values I don't know.

23      Q       At any time, Mr. Frazier, did you conduct any of  
24                  these firing tests with this particular  
25                  rifle in any close proximity to what is



6-N10

1           alleged to have happened on November 22,  
2           1963? By that I mean, the elevation of  
3           approximately 60 feet off the ground at  
4           265 feet downrange of a moving target?

5   A       No, sir.

6   Q       When you were testing this rifle at the indoor  
7           range and outdoor range, I believe you  
8           said one bullet was already in the chamber,  
9           two in the clip, is that right?

10   A       Yes, sir.

11   Q       When did you start the timing? When was the  
12           time started and when was the time stopped?

13   A       The time was started at the time of the first  
14           shot and stopped at the sound of the last  
15           shot.

16   Q       May I have the rifle, please? Mr. Frazier, on  
17           the outdoor range I believe you said one  
18           bullet was in the chamber, two of them in  
19           the clip and the time was started at the  
20           sound of the first shot and stopped when?

21   A       At the sound of the last shot, the third shot.

22   Q       At that time I believe you said your times were  
23           5.9 seconds, 6.2 seconds, and 5.6 seconds,  
24           am I correct in that?

25   A       Yes, sir, that is correct.

C6-N11

1 Q Mr. Frazier, can you tell me whether or not  
2 those calculations of time took into  
3 consideration how long it took to draw  
4 the first bead?

5 A They did not.

11 NO HIATUS HERE.

Ph.  
7-1

- 1 Q So if it was calculated, sir, from the time  
2 it took you to take the first bead and  
3 then go all the way through to the last  
4 shot, the times would have been much more  
5 than 5.9, 6.2 and 5.6, am I right?
- 6 A It would take somewhat more time to aim the  
7 first shot, yes, sir. How much I have  
8 no idea of knowing. You could take an  
9 hour to aim the first shot.
- 10 Q An hour?
- 11 A Yes, sir.
- 12 Q Therefore, as an expert in ballistics and a  
13 rifleman, would you say if someone was  
14 shooting from the sixth floor of the Texas  
15 School Book Depository Building, before  
16 that individual got the first shot off he  
17 had to take aim?
- 18 A Not necessarily.
- 19 Q He would if he had to hit a moving target.
- 20 A That was not part of your question, sir.
- 21 Q Then I add to it, to hit a moving target,  
22 whether or not he would have to take aim?
- 23 A Yes, he would.
- 24 Q Mr. Frazier, can you give me an approximation  
25 of time as to how long it took you on the

7/2

1 300 foot range to aim and then get off  
2 three shots?

3 A I can give you no estimate because that was no  
4 part of our test. We paid no attention  
5 to the time required, since we were  
6 instructed to time the shots from the  
7 sound of the first shot and end it at  
8 the sound of the last shot. There was  
9 no point in recording an unknown aiming  
10 time before the test began.

11 Q Did you not deem it important to ascertain  
12 exactly how long it took an individual  
13 to shoot from the sixth floor, including  
14 the aiming of the rifle and going all  
15 through three shots?

16 MR. DYMOND:

17 We object on the ground Counsel is arguing  
18 with the witness at this time.

19 THE COURT:

20 I think, Counsel, he has answered the  
21 question.

22 BY MR. OSER:

23 Q I believe your answer was that the Warren  
24 Commission didn't want you to ascertain  
25 this. They wanted you to ascertain from

7/3

1 sound to sound, is that right, basically?

2 A Yes, sir.

3 Q Mr. Frazier, in speaking of this particular  
4 gun, am I not correct in stating this  
5 particular gun doesn't contain one thing  
6 the gun you examined contained, and by  
7 that I mean the strap?

8 A State that over again please.

9 Q Did the gun you examined contain a sling strap  
10 or not?

11 A Yes, it did.

12 Q Can you describe the sling strap to us using  
13 the gun, approximately where it was  
14 attached?

15 A The sling strap attachments on this rifle are  
16 not like those on the rifle I examined.  
17 It would be difficult to describe on this  
18 rifle. However, one was attached near  
19 the butt of the weapon and one near the  
20 front of the hand guard, approximately  
21 half-way between the chamber and the  
22 muzzle of the weapon.

23 Q Now this gun that you examined containing this  
24 strap, would this help in any way in  
25 steadying the gun to make the shooting

7/4

1 more accurate?

2 A I would say yes, it would assist in accurate  
3 shooting of the rifle but not necessarily  
4 under rapid fire conditions.

5 Q When you shot the rifle were you able to find  
6 this assisted you in your accuracy in  
7 shooting this particular rifle?

8 A No, I didn't find that.

9 Q Why was that, Mr. Frazier?

10 A I found it difficult for me to use this sling,  
11 therefore, I didn't use it.

12 Q Therefore, because you found this particular  
13 strap on the gun difficult to use it was  
14 of no benefit to you in using it when you  
15 shot this particular gun on the range, is  
16 that correct?

17 A Yes, to the best of my recollection I never  
18 fired the rifle under rapid fire conditions  
19 using the sling. I never fired it at any  
20 time using the sling.

21 Q When you were test firing the rifle,  
22 Mr. Frazier, on the 300 foot range, can  
23 you tell us how long it took you to get  
24 off the first two shots? In other words,  
25 the first shot, the reloading and the

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second shot?

A Not exactly, no, I cannot. We did not time the two, the two-shot interval.

Q Why not, sir?

A I saw no purpose in it.

Q Can you tell me approximately how fast you got off two shots on the 300-foot range? Let me correct that question and ask you if you can tell me approximately how long it took you to get off the first two shots on the 300-foot range?

A I would say it would approximate half the total time, not exactly half, possibly, but in the neighborhood of three seconds.

Q In the neighborhood of three seconds?

A Yes, sir.

Q If you took into consideration, Mr. Frazier, how long it took you to aim the first shot, how long would you say approximately it took you to get off the first two shots on the 300-foot range?

A I couldn't estimate that. I don't know how long it took to aim the first shot.

Q On Direct Examination, Mr. Frazier, Mr. Dymond was asking you some questions about the

7/6

1 sounds or reports from a rifle, about  
2 sonic boom. Being a ballistics expert  
3 can you tell me whether or not the  
4 locality or the type of topographical  
5 area in which a rifle may be shot, would  
6 this cause the sound of a rifle to vary  
7 in any degree?

8 A It can, yes.

9 Q In other words, if I were out in a prairie,  
10 no trees, and I shot this rifle, would  
11 this sound from this rifle sound differ-  
12 ent from if I shot this rifle in the  
13 downtown of the City, say downtown New  
14 Orleans, where all the buildings are?

15 A I would say the quality of the sound might  
16 change. There may be echoes from the  
17 buildings, but I still think you would  
18 hear the bullet report, that is the sonic  
19 report of the bullet and the muzzle report  
20 of the exploding gases, but there could be  
21 echoes off the buildings.

22 Q In the reconstruction that you took part in,  
23 Mr. Frazier, was there any effort made on  
24 your part, or anybody present, to test any  
25 other originating point the rifle may have



7/7  
1           been shot from other than the sixth floor  
2           of the Texas School Book Depository  
3           Building?

4       A     I don't know.

5       Q     Did you test any other originating point from  
6           where the rifle may have been shot?

7       A     I didn't test any and I don't know anyone else  
8           did.

9       Q     Why didn't you test any other originating point  
10          other than the Texas School Book Depository  
11          Building?

12      A     I was not asked to.

13      Q     Mr. Frazier, when you test fired the rifle that  
14          you had at the time you did all your tests,  
15          can you tell us what the condition of the  
16          sight was, as to whether or not it was  
17          securely fastened to the rifle itself?

18      A     It was.

19      Q     Can you tell me what the condition of the  
20          sight was when you received the rifle as  
21          to whether or not it was securely fastened  
22          to the rifle itself?

23      A     It was not. The screws were loose.

24      Q     Because of the screws being loose, am I correct,  
25          or safe in saying, the sight wobbled to

7/8  
some extent or moved?

A Yes, when I received the weapon that is the situation.

Q As an expert in the field of ballistics, the fact that a telescopic sight is on a rifle and in such a condition that it moves because it is not securely fastened, would this in any way affect the accuracy of the shooting of this rifle, sir?

A Yes, sir.

Q In shooting this rifle, Mr. Frazier, or the rifle you shot rather on the range, when you shot this rifle, after you shot the first shot can you tell us whether or not in rebolting the gun you had to move your eye away from the scope?

A Yes, sir, that was necessary.

Q Why was that necessary?

A To prevent the bolt of the rifle from striking me in the face as it came to the rear.

Q You have to draw a bead, fire, remove your eye from the sight you had on the target every time you rebolted, is that right, sir?

A Yes, sir.

Q When you fired that particular rifle on the

7/9

1 range, was the scope sufficiently fastened  
2 tightly to the gun?

3 A Yes, it was.

4 Q How did you accomplish that, sir?

5 A With a screwdriver.

6 Q You tightened the telescopic sight to the gun  
7 before you shot it?

8 A Yes, sir.

9 Q Mr. Frazier, before you tightened the telescop-  
10 ic sight of the rifle, did you have  
11 occasion to shoot that rifle?

12 A No, sir.

13 Q Do you know whether or not anyone shot the  
14 rifle in the condition you received it  
15 first? By that I mean, the telescopic  
16 sight being loose?

17 A No one in the F.B.I. Laboratory fired it. I  
18 don't know if anyone else did or not.

19 Q Mr. Frazier, I show you what the State has  
20 marked for the purpose of identification  
21 as S-64, and I ask you to view this  
22 exhibit and tell me whether or not you have  
23 had occasion to see anything similar to  
24 what is depicted in this exhibit?

25 A Yes, sir, I have.

7/10  
MR. OSER:

At this time the State wishes to offer,  
introduce and file in evidence that  
which the State has marked for the  
purposes of identification as S-64.

MR. DYMOND:

Same objection.

THE COURT:

My ruling is the same.

MR. DYMOND:

Same bill, except making the exhibit  
No. S-64.

(Whereupon the document offered  
by Counsel was received in  
evidence.)

BY MR. OSER:

Q Mr. Frazier, I believe you testified on Direct  
Examination that you had an occasion to run  
a test on a pellet, an intact pellet,  
involved in this investigation you were  
conducting, is that correct?

A No, sir, I didn't testify that it was an intact  
pellet.

Q Did you test a pellet?

A Yes, I did.

C8-N1

1 Q Can you describe the pellet for me, please?

2 A I tested three. One of them was a bullet in  
3 practically original condition, except at  
4 the base of the bullet it was flattened  
5 sideways, lead had been extruded from the  
6 base to a small amount. The rest of the  
7 bullet was in practically original condi-  
8 tion, except for the rifle impressions  
9 from the barrel of the rifle. Other  
10 pellets consisted of jacket fragments,  
11 that is the nose portion of the bullet,  
12 and base portions of the bullet, being the  
13 jacket portion in the one instance and  
14 jacket and part of the lead core in the  
15 other instance.

16 Q This pellet you described as being slightly  
17 smashed or bent on the back side of it,  
18 was this Commission Exhibit 399?

19 A Yes, sir.

20 Q I show you, and ask you again to refer to  
21 State Exhibit 64, whether or not that  
22 photograph of that particular pellet is  
23 similar to the pellet, Commission Exhibit  
24 399, that you examined?

25 A Yes, I would say it shows it fairly well.

CS-N2

1 Q Did you also testify that you examined various  
2 cartridges that were submitted to you for  
3 examination in regard to the rifle you  
4 had, is that right?

5 A Just one cartridge and three cartridge cases.

6 THE COURT:

7 Mr. Oser, I think you should make a cor-  
8 rection. When the witness described  
9 the cartridge, I believe he means the  
10 pellet still being in the casing.  
11 When he describes the cartridge casing  
12 he means the cartridge without the  
13 pellet.

14 MR. OSER:

15 I will straighten that up right now.

16 BY MR. OSER:

17 Q I show you what the State marks as Exhibit S-66  
18 for identification, and ask you to view  
19 this exhibit and say whether or not you can  
20 tell us what type of bullet this is?

21 A This is a cartridge from which the powder has  
22 been removed. It consists other than that  
23 of a 6.5 milimeter Mannlicher-Carcano  
24 cartridge, or an Italian military cartridge,  
25 which are made at East Alton, Illinois.

9-N3  
1 Q Can you describe for the Gentlemen of the Jury  
2 what parts make up this cartridge?

3 A The part of the cartridge which leaves the  
4 barrel consists of the bullet or forward  
5 portion of the cartridge which is fastened  
6 into the neck of the cartridge case, the  
7 cartridge case being the brass rear portion  
8 of the cartridge which contains in its  
9 base the primer which serves to ignite  
10 the cartridge when the firing pin strikes  
11 the primer.

12 Q In referring to Commission Exhibit 399, or  
13 the bullet you examined, can you point  
14 out what area that is you are speaking of?

15 A The nose portion.

16 Q In regards to the test you made on the casings  
17 that were submitted to you, can you point  
18 out what area of that cartridge is known  
19 as the casing area?

20 A That is the larger brass portion which holds  
21 the bullet.

22 Q I believe you said when you tested the casing  
23 in your opinion the casing was fired from  
24 that particular rifle you were examining  
25 at that time, is that correct, sir?

C8-N4

- 1 A Yes, sir, all three of the casings, cartridge  
2 cases.
- 3 Q You tested all three of the cartridge cases  
4 and they were all fired from that particu-  
5 lar rifle?
- 6 A Yes, sir.
- 7 Q From your examination, Mr. Frazier, would you  
8 tell the Gentlemen of the Jury whether  
9 or not those three cartridge cases having  
10 been fired from that rifle, whether or not  
11 they were fired on November 22, 1963,  
12 October 22, 1963, or September 22, 1963?
- 13 A I have no way of knowing when they were fired.
- 14 Q In regard to Commission Exhibit 399, the pellet  
15 that you examined, I believe it was your  
16 testimony that particular pellet was fired  
17 from the rifle you examined, is that also  
18 correct?
- 19 A Yes, it is.
- 20 Q Are you able to tell us when that particular  
21 bullet may have been fired from that  
22 Mannlicher-Carcano rifle, whether on  
23 November 22nd or any other date in 1963?
- 24 A I have no information as to that.  
25



C9-N5

1 Q During your various tests and examinations,  
2 did you have an occasion to weigh the  
3 pellet of a 6.5 millimeter Mannlicher-  
4 Carcano bullet?

5 A I weighed several cartridges of that type, yes.

6 Q Can you tell us what weight you arrived at, sir,  
7 in those you weighed?

8 A The weight varied around 161 grains. It may be  
9 half a grain above or half a grain below.  
10 It averaged 161 grains.

11 Q How many of these pellets did you weigh?

12 A I only have notes here of three, as I recall  
13 I weighed more of them.

14 Q Can you give us the three weights in your notes?

15 A 160.85, 161.5, 161.1.

16 Q Also during your various tests and examinations,  
17 Mr. Frazier, did you have an occasion to  
18 weigh Commission Exhibit 399, or the pellet  
19 you had in your possession?

20 A Yes, sir.

21 Q Can you give me the weight of the pellet at the  
22 time you examined it?

23 A 158.6 grains.

24 MR. OSER:

25 At this time the State wishes to offer,

C8-N6

1 introduce and file into evidence,  
2 that which has been marked as S-66  
3 for the purpose of identification.

4 MR. DYMOND:

5 No objection.

6 THE COURT:

7 Let it be received.  
8 (Whereupon, the document offered by counsel was  
9 MR. OSER: received into evidence.)

10 I ask to display this to the Jury before  
11 I proceed.

12 THE COURT:

13 They may be shown.

14 BY MR. OSER:

15 Q How many pieces of pellet or fragments of  
16 pellet did you have in your possession  
17 at the time you were conducting these  
18 tests, do you recall?

19 A I believe there were nine.

20 Q Can you give me the weights of those individual  
21 pieces?

22 A The first one I referred to as Exhibit 399, the  
23 weight was 158.6 grains. Another one, this  
24 is one of the jacket particles that had  
25 lead in it, weighed 44.6 grains. The base  
portion of the bullet jacket weighed 21.0

C8-N7

grains. The three fragments of lead taken from the floor board in the passenger section of the limousine weighed .9 grains, .7 grains and .7 grains. The two lead particles submitted to me as having come from the President's head, weighed 1.65 grains, and .15 grains. The fragments submitted as originating from Connally's arm weighed .5 grains. I believe that is all.

Q Mr. Frazier, am I correct in stating in the field of ballistics, when a bullet such as the 6.5 milimeter Mannlicher-Carcano is fired through a rifle, does the pellet come out with a reduction in the weight because it passes through the barrel and is rubbed against the rifling of the barrel? Might there be a loss of weight?

A There might possibly be a slight loss in weight, yes.

Q From your tests, will you tell us what was the speed you found this particular rifle to shoot? I think you said something around 1,975 feet per second was the average.

A If I said that I was in error. Our tests

8-N8

1 averaged 2,165 feet per second.

2 Q Did you also have occasion to test what the  
3 muzzle energy was as the bullet came out  
4 of the muzzle? How much force was being  
5 applied behind a pellet?

6 A No, I didn't perform any tests to determine  
7 that. I calculated that value from the  
8 muzzle velocity and bullet weight.

9 Q What was the result of your calculations?

10 A The calculated muzzle energy, and this muzzle  
11 energy term is used to express the rela-  
12 tive energy produced when comparing one  
13 bullet with another, and it is a function  
14 of the weight of the bullet and its  
15 velocity, rather the square of its velocity  
16 under gravity conditions, I calculated that  
17 muzzle energy at 1,676 foot pounds of ener-  
18 gy.

19 Q Would I be correct or incorrect in stating from  
20 your calculations that a pellet coming out  
21 of that particular gun would have been  
22 coming out at a force the equivalent of  
23 if you took a 1,676 pound ball and dropped  
24 it one foot? Would that be a safe state-  
25 ment to make?

C8-N9

1 A Yes, theoretically that would be an expression  
2 of that figure.

3 Q The particular pellet you examined, Commission  
4 Exhibit 399, would you describe that particu-  
5 lar pellet as a jacketed pellet?

6 A Yes, sir.

7 Q Would you explain what you mean by a jacketed  
8 pellet?

9 A The bullet consists of a copper alloy envelope,  
10 or outside layer, relatively thin copper  
11 alloy which covers a lead core, relatively  
12 soft lead core. In this Exhibit 399 the  
13 nose of the bullet has a solid jacket, and  
14 the base of the bullet is open or exposed  
15 and the core is inserted from the base up  
16 into this copper jacket to form the bullet  
17 by the manufacturer.

18 Q In the particular 399 exhibit, were you able to  
19 ascertain whether or not any of the copper  
20 jacketing was missing?

21 A In my opinion there was no jacketing missing,  
22 no discernible amount of jacket missing.

23 Q As a ballistics expert, Mr. Frazier, what, in  
24 your opinion, if such a pellet as Exhibit  
25 399 is shot, and during the shooting of

1 this particular pellet, during its  
2 travel what could possibly remove the  
3 copper jacketing in order for the lead  
4 contained therein to be deposited into a  
5 particular target?

6 A The bullet would have to strike some object  
7 with sufficient force to rupture the  
8 jacket either from striking head-on or  
9 if it were tumbling the striking of the  
10 side, or the other alternative would be  
11 if the bullet tumbled in flight and wound  
12 up in a base-first attitude, then the lead  
13 would be exposed at the point of impact.

14 Q In Commission Exhibit 399, you found the copper  
15 jacketing intact, I believe you said?

16 A Yes.

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19 NO HIATUS HERE.  
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ph.  
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1 Q Were you able to ascertain from Commission  
2 Exhibit 399 whether any parts of the  
3 particular pellet were missing?

4 A There very easily could have been. I couldn't  
5 say how much.

6 Q Did you remove any of the parts or any scrapings  
7 from Exhibit 399 to run any particular  
8 tests?

9 A Yes, there were both particles of copper and  
10 lead base removed for a spectrographic  
11 analysis.

12 Q From what area did you remove the copper alloy  
13 for your spectrographic analysis?

14 A From near the rounded nose portion.

15 Q Were you able to ascertain from your examination  
16 -- from a spectrographic analysis or any  
17 other tests of 399 -- whether there was  
18 any blood or flesh or fabric contained  
19 on Exhibit 399?

20 A There was not. When I examined this bullet it  
21 was relatively clean.

22 Q Can you tell us when you got Commission Exhibit  
23 399 in your possession?

24 A I don't seem to be able to find that figure.  
25 From memory I would say Exhibit 399 was

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~~162~~

9/2

received at about 6:30 p.m. on November  
22, 1963.

Q Approximately some six hours after the  
President was killed you came into pos-  
session of it, if your recollection is  
correct?

A Yes, sir, that is about correct.

Q I now show you that which has been marked for  
the purpose of identification as S-65.  
I ask you whether or not you have ever  
seen what is contained in this photograph  
as being similar to something you have  
seen before during your investigation of  
this case?

A Yes, sir, it is similar to something I have  
seen in a photographic way and also as  
physical evidence.

MR. OSER:

At this time the State wishes to offer,  
introduce and file into evidence that  
which is marked as S-65 for the  
purpose of identification.

MR. DYMOND:

Same objection.

THE COURT:



9/3

1 Same ruling.

2 MR. DYMOND:

3 Same bill of exception except the Exhibit  
4 will be numbered S-65.

5 (Whereupon the document offered  
6 by counsel was received into  
7 evidence.)

8 BY MR. OSER:

9 Q Mr. Frazier, can you tell the gentlemen of the  
10 Jury and The Court, where you have seen  
11 a physical piece of evidence similar to  
12 that which is depicted in the right-hand  
13 half of State Exhibit 65?

14 A In the F.B.I. Laboratory.

15 Q Can you tell me, Mr. Frazier, whether or not  
16 during the examination and investigation  
17 that you were assisting in, whether or not  
18 you had an occasion to view a pellet of  
19 a 6.5 millimeter Mannlicher-Carcano that  
20 had been fired into a wrist area and the  
21 resulting effects to this pellet?

22 A I don't recall ever seeing that pellet in that  
23 connection. When I saw this pellet it was  
24 delivered to me by the President's  
25 Commission for the purpose of photographing

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1165  
1 it. I had all of the Commission's  
2 exhibits photographed in which we had  
3 any interest, and made special photographs  
4 for the Commission of those items sub-  
5 mitted by other individuals than the  
6 F.B.I., and that is the only occasion I  
7 recall seeing a pellet of that type.

8 Q Mr. Frazier, during your career in the area  
9 and field of ballistics, have you had  
10 occasion to see a pellet that has struck  
11 the wrist area of an individual?

12 A Not to my knowledge.

13 Q Have you had occasion to see a pellet that has  
14 struck a rib and a wrist of an individual?

15 A Not to my knowledge.

16 Q What is your expert opinion, Mr. Frazier, from  
17 your specialty in ballistics, as to what  
18 the condition of a pellet that strikes  
19 a rib and a wrist would be?

20 A That would depend on the type of ammunition  
21 being used. It would also depend on the  
22 hardness of the bone, the portion of the  
23 rib which was contacted, the type of  
24 bone in the wrist which was struck, and  
25 various other factors such as the

9/5

1 velocity of the bullet and so on.

2 Q I believe you said before in answer to one of  
3 Mr. Dymond's questions under Direct  
4 Examination, that from your investigation  
5 you found nothing inconsistent with a  
6 bullet being fired from the sixth floor  
7 of the Texas School Book Depository  
8 Building and going through President  
9 Kennedy and Governor Connally, is that  
10 correct, sir?

11 A Yes, sir, I believe I did testify to that.

12 Q I believe you also testified that in examining  
13 the Governor's clothes, that the type of  
14 hole you found in the Governor's coat was  
15 an irregular type of hole. Am I correct  
16 in stating that?

17 A No, I don't recall I testified to that with  
18 reference to the coat. With reference to  
19 the shirt I did.

20 Q What type of hole did you find in the  
21 Governor's coat?

22 A There was a hole approximately 1/4 inch in  
23 width and slightly elongated, that is  
24 oval in shape, in the back of the  
25 Governor's coat, about 1-1/8 inches in

9/6

1 from the sleeve seam, and this had  
2 slightly torn edges. Beyond that it had  
3 no physical characteristics of value to  
4 me.

5 Q And the hole in the Governor's shirt, I believe  
6 you testified you examined his coat cuff  
7 area, the sleeve of his cuff?

8 A Yes, sir.

9 Q Was that a ragged type hole?

10 A In the shirt it was, yes, particularly in the  
11 bottom side. The top side was not  
12 excessively ragged.

13 Q In referring to State Exhibit 62, the lower  
14 right-hand corner, Mr. Frazier, the area  
15 of the front of President Kennedy's shirt  
16 that you have circled in red, the hole  
17 area in the front of President Kennedy's  
18 shirt, can you tell us whether that was  
19 an irregular type of hole in the shirt  
20 at that point?

21 A No. I would say it was fairly regular rather  
22 than being irregular. It was an elongated  
23 slit in the cloth. It didn't have side  
24 tears coming out from the slit.

25 Q What type of hole was in President Kennedy's

9/7

1 shirt in the back?

2 A That was a regular round hole approximately  
3 1/4 inch in diameter.

4 Q And the hole was about the same in the coat  
5 also at the back, is that right?

6 A Yes, sir.

7 Q If an individual would shoot a 6.5 millimeter  
8 Mannlicher-Carcano rifle carrying an  
9 average velocity of 2,165 feet per second,  
10 packing a force of approximately 1,676  
11 foot pounds, and this particular pellet  
12 hits one person in the back, as you found  
13 in President Kennedy's back, his shirt  
14 and coat, exits the shirt in the area  
15 where you found the slit and goes into  
16 another individual where you found the  
17 holes in the Governor's back of his coat  
18 and shirt and sleeve, and the sleeve of  
19 his shirt, and remains intact as in  
20 399, can you explain for us why there  
21 would be the slit-type of hole in the  
22 shirt and not the regular round hole as  
23 you found it as it went into his back,  
24 and why there would be the ragged hole  
25 in the sleeve of his shirt and not a round

9/8

1 type of hole if the pellet remains intact,  
2 as Commission Exhibit 399?

3 A Are you speaking of the Governor's clothing  
4 now?

5 A I am speaking of both the President's clothing  
6 and --

7 MR. DYMOND:

8 We object. There are a number of questions  
9 there. We ask the question be  
10 divided up.

11 MR. OSER:

12 The witness can answer that question.

13 MR. DYMOND:

14 If you have the question read back you  
15 will see how impossible it is to  
16 answer.

17 THE COURT:

18 Read the question back.

19 THE REPORTER:

20 Question: "If an individual would shoot  
21 a 6.5 millimeter Mannlicher-Carcano  
22 rifle carrying an average velocity of  
23 2,165 feet per second, packing a  
24 force of approximately 1,676 foot  
25 pounds, and this particular pellet

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176

1 hits one person in the back, as you  
2 found in President Kennedy's back,  
3 his shirt and coat, exits the shirt  
4 in the area where you found the slit  
5 and goes into another individual where  
6 you found the holes in the Governor's  
7 back of his coat and shirt and sleeve,  
8 and the sleeve of his shirt, and  
9 remains intact as in 399, can you  
10 explain for us why there would be the  
11 slit-type of hole in the shirt and  
12 not the regular round hole as you  
13 found it as it went into his back,  
14 and why there would be the ragged  
15 hole in the sleeve of his shirt and  
16 not a round type of hole if the  
17 pellet remains intact as  
18 Commission Exhibit 399?"

19 MR. DYMOND:

20 You are speaking there of two people and  
21 one shirt.

22 THE COURT:

23 I didn't understand it that way. I think  
24 the question can be answered, if you  
25 know how to answer it, Mr. Frazier.

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9/10

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THE WITNESS:

With reference to the slit-type hole in the shirt as compared to the round hole in the back, this often occurs because there is no substance backing up the shirt at the exit point, whereas at the entrance point the person's body backs up the garment and causes a round hole. On the exit side, however, the shirt tends to be carried away from the victim and the fibers break along the weakest part of them. In my opinion the slit-type hole in the front of the shirt is because the shirt has less strength in a vertical direction causing it to tear more rapidly in the vertical direction.

With reference to a hole in the Governor's sleeve, in his shirt, this could be due to a number of factors. This bullet apparently passed through the sleeve of the Governor's coat. At that point it may have removed considerable cloth



1 material from that coat. It could have  
2 carried that through into the shirt  
3 and slightly enlarging and tearing  
4 the shirt on the sleeve. A second  
5 factor is that by the time under this  
6 hypothetical situation this bullet  
7 had passed through the President and  
8 through Governor Connally, its  
9 velocity would be gradually reduced,  
10 and in fact the bullet may have been  
11 tumbling end over end at that time,  
12 in which case if it struck partially  
13 sideways it would leave an enlarged  
14 hole.

15 BY MR. OSER:

16 Q From your examination of 399, can you tell us  
17 whether or not you found any type of  
18 fabric contained on any part of this  
19 exhibit which you examined?

20 A No, sir, I did not.

21 Q Heretofore, Mr. Frazier, in speaking about the  
22 fact if you line up President Kennedy and  
23 Governor Connally where one bullet passed  
24 through both of these men at the particular  
25 time, can you show us the relative position

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9/12173  
172

1 from your examination that President  
2 Kennedy had to be in from knowing where the  
3 holes were in the coat and shirt and nick  
4 in the tie in order for this to happen?

5 A I could show you with reference to where the  
6 hole was in the President's body but not  
7 necessarily where it was with reference  
8 to his coat, because his coat could have  
9 been hunched up at the back and not be  
10 anywhere near the same position as the  
11 hole in his body.

12 When you sit with your coat in a car  
13 it wrinkles at the collar and the back,  
14 and a bullet passing through that area,  
15 when the coat straightens down, could be  
16 several inches lower than the point of  
17 impact in the back of the individual. In  
18 our reconstruction in Dallas, the hole was  
19 marked on the President's body according  
20 to medical testimony and not according to  
21 his clothing. In that instance it was  
22 located just at the base of the neck, 5  
23 inches below the mastoid area of the right  
24 area, and 5 inches in from the shoulder.  
25 There is no photograph here which represents

9/13

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1           that. I could show you on the photograph  
2           Exhibit 63, which shows the back of the  
3           President, I could indicate the spot  
4           which was marked as the point of impact  
5           on the President's body.  
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1 Q Are you referring to this particular exhibit,  
2 Mr. Frazier?

3 A Yes.

4 Q Would you step down, Mr. Frazier, and show us  
5 the area to which you are referring?

6 A The spot was marked on the President's body  
7 about 5 inches down from the right mastoid  
8 area at the base of the neck. In the back  
9 or at the base of the neck, and 5 inches  
10 in, which would put the bullet impact on  
11 this photograph about where I am indicat-  
12 ing here, about 4 inches above and 3  
13 inches to the right of the white spot on  
14 the back of the coat.

15 Q Mr. Frazier, you said all this was done, this  
16 particular area was marked because of the  
17 fact the President's coat might have been  
18 rucked up or creased in some way, is that  
19 what you are saying?

20 A Yes, sir.

21 Q Were you able to view any photographs during  
22 your investigation that showed the  
23 President's coat was puckered up?

24 A I don't recall if that detail was shown or  
25 not.

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176

1 Q Did you see it?

2 A I don't recall whether I did or not.

3 Q Didn't you all take into account that

4 Governor Connally's coat might have been

5 puckered up also?

6 A Sir, I didn't take any of this into account.

7 This was decided by the Commission, not

8 by me.

9 Q You were there to do just what the Commission

10 asked you to do, is that right, sir?

11 A I didn't catch that question.

12 Q You were just there doing what the Commission

13 asked you to do?

14 A Yes, sir, assisting them.

15 Q Before, Mr. Frazier, you demonstrated to

16 Mr. Dymond in regard to the area of one

17 bullet passing through the President and

18 the Governor, that the President had to be

19 in some position of bending over or down

20 or forward, is that correct? Did you give

21 some testimony to that effect?

22 A No, sir.

23 Q You are saying the President could be seated

24 erect and that bullet still could have

25 passed through both President Kennedy and

Governor Connally?

A The question was asked, and my answer in that regard was, there was a time during this reenactment, according to the Zapruder film, at which the President's stand-in and Governor Connally's stand-in were in line, the path of the bullet through the President's body, was generally in line with the impact area on the back of Governor Connally, and the angle of the bullet through the President's body both horizontally and vertically coincided with the angle of the projectile, through Governor Connally's body both horizontally and vertically so it was possible for this event to have occurred. I didn't testify it did actually occur.

Q What frame of the Zapruder film could this have happened in?

A From Frame 207 to a few frames possibly after Frame 225.

Q Can you see the President and Governor Connally between Frame 207 up to Frame 223?

A Yes, sir. They have cleared the tree as I saw

177  
10/4

1                   them from the sixth floor in the reenact-  
2                   ment.

3       Q       I'm not asking you about the reenactment, I am  
4               asking you if you can see them in the  
5               Zapruder film?

6       A       I don't know what the frame numbers were. I  
7               didn't make a note of those particular  
8               frame numbers with reference to my study  
9               of the film.

10      Q       You don't recall which frame numbers of the  
11               Zapruder film shows President Kennedy and  
12               the Governor between frame 207 and 223?

13      A       No, I don't know what the film shows with  
14               reference to the President and Governor  
15               Connally.

16      Q       If I tell you this particular area, from where  
17               Mr. Zapruder was standing, that the  
18               presidential limousine was behind a sign  
19               and you couldn't see the President or the  
20               Governor at this particular time, would  
21               that refresh your memory as to what took  
22               place during that span in the Zapruder  
23               film?

24               MR. DYMOND:

25               This is irrelevant. I don't think anyone

10/5

1 has suggested Mr. Zapruder shot the  
2 President.

3 THE COURT:

4 I understand the question. I overrule  
5 the objection.

6 THE WITNESS:

7 According to my recollection from what I  
8 saw from the sixth floor window, and  
9 as the car was placed from the  
10 Zapruder film and other films, from  
11 what I saw there was a clear air line  
12 view from the window to the car during  
13 these various frames. I didn't make  
14 a detailed study and place the car in  
15 the street.

16 BY MR. OSER:

17 Q Who placed the bodies in their position during  
18 the reconstruction?

19 A They were placed according to the Warren  
20 Commission members' instructions.

21 Q Mr. Frazier, you said before you were not using  
22 the President's limousine, you were using  
23 a Cadillac, and you calculated a 10 inch  
24 difference between the car you were using  
25 and the actual car in which the President



10/6

1 was shot. How did you accomplish this  
2 10 inch difference? What did you do to  
3 calculate for this 10-inch difference?  
4 A The mark on the back of the President at the  
5 base of his neck was marked and in plain  
6 view from the window. I looked through  
7 the telescopic sight at a ruler held on  
8 his back. I had them move the ruler to  
9 the 10-inch distance and mark another spot  
10 down on the automobile.

11 Q Isn't it a fact, Mr. Frazier, you had stand-ins  
12 that were acting for President Kennedy  
13 sitting on some blankets in that car?

14 A Only the Presidential stand-in was sitting on  
15 a blanket because the rear seat in the  
16 Cadillac was considerably lower with  
17 reference to the jump seat than the rear  
18 seat in the Lincoln or the car in which  
19 the President was assassinated.

20 Q As an expert in the field of this type of in-  
21 vestigation, can you tell me why you all  
22 didn't use the President's car and used  
23 another car when you had to calculate  
24 some 10 inches and sit one person on a  
25 blanket?

10/7

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1 MR. DYMOND:

2 We object on the ground it is repetitious:  
3 and argumentative.

4 THE COURT:

5 I think you have covered that subject  
6 matter.

7 MR. OSER:

8 Your Honor, can we take a coffee break?  
9 I'm going to a new area now.

10 THE COURT:

11 Very well, we will take a 10-minute  
12 recess.

13 (SHORT RECESS.)

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18 NO HIATUS HERE  
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1-N1

1 AFTER THE RECESS:

2 THE COURT:

3 Are the State and the Defense ready to  
4 proceed?

5 MR. DYMOND:

6 We are ready.

7 MR. OSER:

8 Yes, Your Honor.

9 BY MR. OSER:

10 Q Mr. Frazier, is it correct from your testimony,  
11 sir, that when you examined the coat, from  
12 the back of President Kennedy's shirt and  
13 his coat, that you found traces of copper  
14 on the fibers in the area of the hole?

15 A There were, yes.

16 Q Did you find any such copper traces on the  
17 front slits or the tie area of President  
18 Kennedy's shirt and tie?

19 A No, sir.

20 Q Now, pursuant to your investigation, did you  
21 have occasion to examine a piece of con-  
22 crete removed from the curbing in Dealey  
23 Plaza, to ascertain whether or not this was  
24 a nick from a bullet containing any  
25 metallic substance?

01-N2

- 1 A Yes, sir.
- 2 Q And did your examination of this piece of
- 3 concrete reveal any metallic substance
- 4 thereon?
- 5 A Yes, there was a slight smear on the -- on this
- 6 object, which purportedly was a piece of
- 7 curbing.
- 8 Q Was there any copper alloy or any metallic
- 9 consistency or chemical analysis of copper
- 10 on this piece of curbing?
- 11 A No, sir.
- 12 Q Do you know, sir, where this curbing was removed
- 13 from?
- 14 A I do not.
- 15 Q Mr. Frazier, from your examination in Dealey
- 16 Plaza, from reviewing what you reviewed,
- 17 are you able to ascertain as to what the
- 18 angle, the downward angle of entry that a
- 19 bullet may have made into the back of
- 20 President Kennedy?
- 21 A At certain points, yes.
- 22 Q At what point did you first calculate this,
- 23 sir, and what was the angle?
- 24 A I did not calculate it. As I recall, a surveyor
- 25 placed a transit on the street and read the

102

-N3

1 angle with his transit. He wrote these  
2 figures down, I did not write them down.

3 Q Well, do you know the angle at approximately  
4 Frames 223 or 224?

5 A I could approximate it but I don't know the  
6 angle.

7 Q Would you give me that approximation?

8 A Between 17 and 20 degrees, in that neighborhood.

9 Q And when you were conducting your examination  
10 and arriving at the results that you  
11 arrived at upon the instructions of the  
12 Warren Commission, which you were doing,  
13 did you have available any information  
14 from two agents, one by the name of  
15 O'Neill and one by the name of Siebert,  
16 who were present at the autopsy and stated  
17 that the angle of entry was between 45  
18 and 60 degrees into the President's back?  
19 Did you have that available at that time?

20 A No, I don't recall that information.

21 Q Did you have available, sir, during your in-  
22 vestigation the fact that Agents Siebert  
23 and O'Neill (stated) that at the time of  
24 the autopsy the opening in the President's  
25 back, the hole in the President's back,

D1-N4

1 could be felt by the autopsy operator  
2 with the tip of his finger and that it  
3 wasn't a through-and-through gunshot  
4 wound? Did you have that available, sir?

5 A I don't understand.

6 MR. DYMOND:

7 If Your Honor please, we object. There is  
8 no evidence to this effect at all,  
9 that there is such a report even.  
10 Counsel is referring to a report here.  
11 We don't even know whether such a re-  
12 port exists, and he is purportedly  
13 quoting from it.

14 MR. OSER:

15 I am asking if he had it at his disposal,  
16 the quoted --

17 MR. DYMOND:

18 He is asking whether he had a report to  
19 that effect from certain named agents.

20 MR. OSER:

21 As I say, we don't --

22 THE COURT:

23 I think to be fair with the witness, in-  
24 stead of quoting from any report you  
25 should ask him first did he have any

01-N5

186

1 reports available to him; if he says  
2 yes, then you can go into specific  
3 reports, but, if he didn't have any  
4 of them available, then you shouldn't  
5 quote from five or six different --

6 MR. OSER:

7 All right.

8 BY MR. OSER:

9 Q Did you have the report of Special Agents  
10 Siebert and O'Neill available to you during  
11 your entire investigation?

12 A No, sir.

13 Q Now, Mr. Frazier, before you testified in front  
14 of the Warren Commission, and I ask you  
15 whether or not you made the particular  
16 statement in front of the Warren Commission  
17 with regard to whether or not one bullet  
18 could have passed through President Kennedy  
19 and Governor Connally between Frames 207  
20 and 225. I ask you whether or not you made  
21 this particular statement:

22 "I myself don't have any technical evidence  
23 which would permit me to say one way or  
24 the other, in other words, which would sup-  
25 port it as far as my rendering an opinion as

p1-N6

an expert. I would say, I would certainly say it was possible but I don't say it probably occurred because I don't have the evidence on which to base a statement like that."

Did you make that statement in front of the Warren Commission in regards to one bullet passing through the President and the Governor at Frames 207 to 225?

A (Referring to volume) Page 172. That is part of the discussion concerning a hypothetical question which was asked me, and I did make that statement with regard to those assumptions they asked me to make.

MR. OSER:

That is all.

MR. DYMOND:

Is that all, you said?

MR. OSER:

Yes, sir.

#### REDIRECT EXAMINATION

BY MR. DYMOND:

Q Mr. Frazier, with reference to the piece of material purporting to be a piece of curbing on which you say that you found lead smears,



01-N7

1 was this lead smear consistent in  
2 metallic composition with the cartridge  
3 particles which you examined?

4 A I don't have that information available.

5 Q You do not?

6 A No, sir.

7 Q Now, Mr. Frazier, have the opinions which you  
8 rendered in this case been your honest  
9 objective opinions, or have they been in-  
10 fluenced in any way by any supposed desires  
11 of the Warren Commission or anybody else?

12 A No, sir, absolutely not.

13 Q Are these your honest professional opinions?

14 A Yes, sir.

15 Q Now referring to State Exhibit No. 34, Mr.

16 Frazier, you were asked on direct examina-  
17 tion whether or not there would have been  
18 a clear shot at the President's vehicle  
19 while it was going on Houston Street in the  
20 direction of the School Book Depository.  
21 When the vehicle was going in that direc-  
22 tion in the reenactment, would anyone have  
23 been sitting between President Kennedy and  
24 the School Book Depository?

25 MR. ALCOCK:

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1 your Honor, we are going to object, be-  
2 cause the witness's testimony was  
3 that the vehicle never went in that  
4 direction on the reenactment, it only  
5 went down Elm Street, he said it did  
6 not approach Elm and Houston.

7 MR. DYMOND:

8 If that is so, I will change the form of  
9 the question.

10 THE COURT:

11 Mr. Dymond, may I suggest that you use the  
12 microphone. Then if you turn away  
13 from the court reporter, she will be  
14 able to hear you.

15 BY MR. DYMOND:

16 Q Referring to your answer on direct, that there  
17 would have been a clear shot at the  
18 President's vehicle from the School Book  
19 Depository as it was going on Houston  
20 Street toward the Depository, at that time  
21 would there have been anything between  
22 President Kennedy and the School Book De-  
23 pository in the line of fire?

24 A Yes, sir, there would, two things, three things:  
25 The windshield of the automobile, Special

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Agent Delman of the Secret Service, and  
Governor Connally. However, with the  
elevation of the School Book Depository  
it may have been possible to fire over  
these individuals without hitting them,  
but I did not make that determination nor  
did we reconstruct that part of the journey.

NO HIATUS HERE.

1 Q Now, with reference to the similarity in the  
2 gun, which is in evidence here as State  
3 Exhibit 18, and the gun which was examined  
4 by you, after having examined both of  
5 these weapons, Mr. Frazier, is there any  
6 difference in the mechanical operation of  
7 the two weapons, that is, the manner in  
8 which --

9 A Yes, sir, yes, sir, I would say this weapon  
10 operates more difficultly than the one  
11 which I examined in the laboratory. It  
12 is more difficult to open the bolt and  
13 draw the bolt back and to close the bolt.

14 Q Now with reference to the test which you  
15 performed on the speed and accuracy of  
16 firing the rifle which you examined, as  
17 an expert in the field of ballistics  
18 would you say that practice with a  
19 particular rifle would be helpful in  
20 increasing the speed and accuracy of such  
21 firing?

22 A Yes, it would.

23 Q Now in connection with your reenactment of the  
24 assassination scene with the aid of the  
25 Zapruder film, which is State-37, prior

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1 to the time that the Presidential vehicle  
2 got to the position indicated at Frame 13,  
3 was there a clear shot at the vehicle?

4 A Yes, sir. At any stage back through this film,  
5 through all the frames back to Frame No.  
6 207 as the car was placed on the street  
7 by the Commission with reference to the  
8 film, with the assistance of  
9 Special Agent Shaneyfelt, and beyond  
10 207 the car would be underneath a live  
11 oak tree growing along the street. At  
12 that point you could see the individuals  
13 in the car through the tree, but you could  
14 not clearly see them, that is, see their  
15 entire outlines.

16 Q For approximately how many frames before Frame  
17 313 was there sufficient clearing to  
18 enable a person to draw a bead on  
19 President Kennedy from the sixth floor  
20 Depository window?

21 A (Computing) I would say approximately 106  
22 frames.

23 Q And approximately what length of time would  
24 those 106 frames consume, Mr. Frazier?

25 A Slightly over six seconds.

1 Q Would that be sufficient time to draw a bead  
2 on President Kennedy before he reached  
3 the position indicated by frame 313?

4 A Yes, sir.

5 Q Now with reference to the telescopic sight on  
6 the gun which you examined, do you know of  
7 your own knowledge whether that sight was  
8 loose and not firmly secured to the gun  
9 at the time that the gun was originally  
10 recovered, before it was turned over to  
11 you?

12 A No, sir, I have no knowledge of the gun prior  
13 to the time when I received it.

14 Q Now, Mr. Frazier, would it have been within the  
15 scope of your expertise to examine and  
16 analyze any particles of flesh or blood  
17 which might have been on Exhibit 399 when  
18 it was turned over to you?

19 A No, sir, I do not make that type of examination  
20 in the laboratory.

21 Q (Indicating photograph) Mr. Frazier, referring  
22 to the exhibit marked for identification  
23 "State-63," the point which was marked on  
24 the back of the stand-in for President  
25 Kennedy, was that estimated or was it taken

194

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1 from the point of the wound on President  
2 Kennedy's remains?

3 A From the point of the wound by measurement  
4 taken at the time of the autopsy.

5 MR. DYMOND:

6 That is all, sir.

7 RE-CROSS-EXAMINATION

8 BY MR. OSER:

9 Q Mr. Frazier, can you tell us whether or not  
10 anybody in the F.B.I., or the Federal  
11 Bureau of Investigation, made any tests  
12 on 399, and whether or not it was ascer-  
13 tained whether there was any blood or  
14 flesh on that particular pellet?

15 A Yes, sir, I can. There was no such test. I  
16 saw no debris on this bullet and therefore  
17 I decided there was no need for any test  
18 since there was nothing on it.

19 Q Not even microscopically you didn't examine  
20 this bullet?

21 A There was not anything but a slight stain which  
22 would be insufficient for any examination.

23 Q Mr. Frazier, you said that the shot from the  
24 sixth floor was a relatively easy shot to  
25 hit President Kennedy while he proceeded

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on Elm Street. Can you name anybody in the Federal Bureau of Investigation or any expert rifleman under the Bureau's direction who could accomplish the same feat that is alleged to have been accomplished, by the Warren Commission, namely, that the rifleman was in the sixth floor some 60 feet off of ground level at a distance of 265 feet away at frame 313, and with a moving target?

MR. DYMOND:

If the Court please, we object to this on the grounds, number one, that it is argumentative, number two, it is not proper re-cross-examination. Nothing was brought out on re-direct which permits such a question as this.

THE COURT:

You needn't argue, Mr. Oser, it is within my discretion to permit it, and I will overrule your objection.

THE WITNESS:

I know of no such tests or individuals.

MR. OSER:



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That is all.

MR. DYMOND:

That is it.

(Witness excused.)

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C E R T I F I C A T E

I, the undersigned, Helen R. Dietrich, do  
hereby certify:

That the above and foregoing (195 pages of  
typewritten matter) is a true and correct transcription  
of the stenographic notes of the proceedings had herein,  
the same having been taken down by Charles A. Neyrey,  
Clifford Jefferson, and the undersigned, and transcribed  
under our supervision, on the day and date hereinbefore  
noted, before the Criminal District Court, Parish of  
Orleans, State of Louisiana, in the matter of the State  
of Louisiana vs. Clay L. Shaw, 198-059 1426 (30)  
Section C on the 21st and 22nd days of February, 1969,  
before the Honorable Edward A. Haggerty, Jr., Judge,  
Section "C", being the testimony of Robert A. Frazier.

New Orleans, Louisiana, this 23rd day of  
February, 1969.



HELEN R. DIETRICH,  
REPORTER

Reference copy, JFK Collection: HSCA (RG 233)

002034

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CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.....	.	
STATE OF LOUISIANA	.	198-059
VERSUS	.	1426 (30)
CLAY L. SHAW	.	SECTION "C"
.....	.	

PROCEEDINGS IN OPEN COURT,  
SATURDAY, FEBRUARY 22, 1969

HELEN R. DIETRICH,  
Reporter

*Testimony of Ruth Paine*

B E F O R E : THE HONORABLE EDWARD A. HAGGERTY, JR.,

JUDGE, SECTION "C"

*44 pages*

**Dietrich & Pickett, Inc.**  
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333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130 - 522-3111

RELEASED BY NARA  
DATE 1/21/94  
(JFK ACT)

1 MRS. RUTH HYDE PAINE, 2

2 a witness called by and on behalf of the Defense,  
3 having been first duly affirmed, was examined and  
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MR. DYMOND:

7 Q For the record, Mrs. Paine, would you please  
8 state your full name.

9 A I am Ruth Hyde Paine.

10 Q Now, Mrs. Paine, where do you reside?

11 A I live in Irving, Texas.

12 Q And is that a suburb of Dallas?

13 A Yes, it is.

14 Q Approximately how far out of Dallas is it?

15 A Measured in minutes, about a half hour.

16 Q About a half hour?

17 A Yes.

18 Q Now, what is your occupation, Mrs. Paine?

19 A I teach kindergarten.

20 Q And how long have you been teaching kinder-  
21 garten?

22 A This is my third year.

23 Q Mrs. Paine, were you acquainted with the late  
24 Lee Harvey Oswald and his wife, Marina  
25 Oswald?

1 A Yes, I was.

2 Q Would you please give us a history of your  
3 acquaintance with these people.

4 A I met them both in February of 1963 at a  
5 gathering of friends in Dallas, and I  
6 saw Marina particularly but both of them  
7 occasionally through the spring of 1963,  
8 and then in May Lee went to New Orleans  
9 to look for work and I -- well, I came  
10 for a visit and discovered that he was  
11 all packed up to go to New Orleans and  
12 was going to leave her at the apartment  
13 while he looked for work, and I suggested  
14 that she might stay at my home in that  
15 interim.

16 Q I see. Well, did she stay at your home after  
17 he left?

18 A That is right.

19 Q And how long did she stay there at your home  
20 with Lee living in New Orleans?

21 A I suppose it was about a week.

22 Q I see.

23 A I could check it if you like.

24 Q And then after that did she leave your home  
25 in Dallas?

1 A I took her to New Orleans.

2 Q I see. And where did you take her when you  
3 got here to New Orleans?

4 A We went to an address Lee had given us, which  
5 was his aunt and uncle I believe, the  
6 Murat home, and then from there we went  
7 to an apartment on Magazine Street that  
8 he had rented.

9 Q Would that have been 4905 Magazine Street?

10 A I thought it was 07, but that would be --

11 Q If you don't know, that is all right. There  
12 has been some dispute on that. Now, when  
13 you took her to this address on Magazine  
14 Street, who did you find there?

15 A There was no one there. Lee was at his  
16 uncle's house.

17 Q He was what?

18 A He was at the uncle's house.

19 Q I see.

20 A And we went together in two cars to the apart-  
21 ment.

22 Q So the three of you went to Magazine Street,  
23 is that correct?

24 A I believe the uncle -- you must understand,  
25 I am three by myself, it was myself and

1 my two children, and Marina and her  
2 young baby and Lee, and I think the  
3 uncle or maybe another member of the  
4 family went.

5 Q I see. Now, how long did you stay here in  
6 New Orleans upon that occasion?

7 A It was really just over the weekend.

8 Q Over the weekend?

9 A Possibly the next Monday.

10 Q And after the weekend passed, what did you do?

11 A I returned to Irving with my children.

12 Q And you left them here, you would say? Is  
13 that right?

14 A I left the Oswalds here, yes.

15 Q Now, when was the next time that you saw  
16 either of these persons, Mrs. Paine?

17 A It was in September the same year. I did not  
18 see either over the summer, and I corres-  
19 ponded with Marina, and then I traveled, ,  
20 drove to the East to visit friends and  
21 relatives and came back to Texas via New  
22 Orleans, and it was in late September,  
23 and I have it on my calendar but I didn't  
24 bring the calendar with me that describes  
25 when I arrived. It is part of the

1 Commission's exhibits, if that would be  
2 helpful.

3 Q I see. Do you have a volume containing that  
4 Commission exhibit with you?

5 A Yes.

6 Q Are you able to locate your calendar in there?

7 A I think so. (Referring to volume) Yes, here  
8 it is.

9 Q What is that exhibit number, Mrs. Paine?

10 A 401.

11 Q Now, does that refresh your memory upon  
12 examining that exhibit?

13 A Well, it has a notation.

14 MR. ALCOCK:

15 Your Honor, the witness may not read  
16 from the exhibit but merely use it  
17 to refresh her memory. If her  
18 memory is refreshed from that exhibit,  
19 then she may testify.

20 THE COURT:

21 You are correct. You may not read from  
22 the book, just look at it, and if  
23 it refreshes your memory you may  
24 testify as to what you think it is  
25 or what it is.



1 THE WITNESS: 7

2 I see.

3 BY MR. DYMOND:

4 Q Can you tell us now, Mrs. Paine, when you  
5 arrived in New Orleans in September?

6 A My recollection is that I arrived on Friday,  
7 the 20th of September.

8 Q The 20th?

9 A And left the following Monday, the 23rd.

10 Q I see.

11 A I didn't arrive home until sometime the next  
12 day, on the 24th.

13 Q Now, when you arrived here in New Orleans on  
14 September 20, 1963, where did you go?

15 A I went directly to the apartment on Magazine  
16 Street.

17 Q And where did you stay during the interim  
18 between September 20 and September 23rd  
19 when you say that you left?

20 A I stayed at the Oswald's apartment.

21 Q I see. Now, at that time was Lee Harvey  
22 Oswald living there?

23 A Pardon? Was he living there?

24 Q Yes.

25 A Yes, he was. He was in evidence most of the

1 time.

2 Q You say he was in evidence most of the time?

3 A Yes. He was there.

4 Q Do you know of any night during that period  
5 that he did not spend at home?

6 A No. He was there.

7 Q How about during the daytime?

8 A He was there most of the day.

9 Q Now, I take it then that you have known Lee  
10 Harvey Oswald since May of '63, is that  
11 correct?

12 A Well, I met him first in February and saw him  
13 just briefly on occasions in the spring.

14 Q Now, during the time that you knew Lee Harvey  
15 Oswald, did you have occasion to observe  
16 his general appearance, Mrs. Paine?

17 A Yes.

18 Q Would you term his appearance sloppy or dirty,  
19 or neat and clean?

20 A He usually dressed informally, he was very  
21 neat and -- I think he liked showers --  
22 he was clean. He usually wore a T-shirt  
23 and slacks around my home when he came on  
24 weekends in the fall of '63.

25 Q Now, how about when he was here in New Orleans

1 in 19637

2 A To the best of my recollection, he wore slacks  
3 and T-shirt. He was very neat.

4 Q Do you know who did his laundry?

5 A Yes. Marina did. I recall going out to a  
6 washateria with Lee while we were here  
7 in New Orleans, and I --

8 Q Did you ever know Lee Harvey Oswald to wear  
9 a beard when you knew him, Mrs. Paine?

10 A No, no.

11 Q Did you ever --

12 A I never saw him with a beard.

13 Q Did you ever see him obviously in need of a  
14 shave?

15 A No, I didn't.

16 MR. DYMOND:

17 May I have the photograph of Lee Harvey  
18 Oswald?

19 (Photographs handed to Counsel.)

20 BY MR. DYMOND:

21 Q (Exhibiting photograph to witness) Mrs. Paine,  
22 I show you a photograph which has been  
23 marked for identification "State 1,"  
24 purporting to be a photograph of Lee  
25 Harvey Oswald, and I ask you whether you

1 recognize it as such?

10

2 A Yes, I do.

3 Q (Exhibiting photograph to witness) I now

4 show you another photograph marked for  
5 identification "State 19," which purports  
6 to be a photograph of Lee Harvey Oswald  
7 with a beard drawn in, appearing to be  
8 drawn in pencil, and I ask you whether  
9 you ever remember or recollect having  
10 seen him in any condition similar to  
11 this with respect to a beard?

12 A No, I never saw him with a beard.

13 Q (Exhibiting photograph to witness) I now show  
14 you a photograph which has been marked  
15 for identification "State 10," purporting  
16 to be a photograph of David W. Ferrie,  
17 and I ask you whether, to the best of  
18 your knowledge, you have ever seen that  
19 individual in your life, and more parti-  
20 cularly at the residence of Lee Harvey  
21 Oswald?

22 A This face is not familiar to me. To my best  
23 recollection, I have never seen it, and  
24 I did not, of course, see it at his  
25 apartment.

1 Q Now prior to the publicity surrounding the 11  
2 charging of Mr. Clay Shaw, to your  
3 knowledge had you ever heard the name  
4 David W. Ferrie?

5 A I had not.

6 Q -- or Dave Ferrie?

7 A No.

8 Q Had you ever heard the name Perry Raymond  
9 Russo, or Perry Russo?

10 A No, I had not.

11 Q Had you ever heard of the name Clem Bertrand  
12 or Clay Bertrand?

13 A No, neither.

14 Q Did you ever hear Lee Harvey Oswald utter any  
15 of these names, Mrs. Paine?

16 A No, I never did. I never heard him make  
17 reference to anyone he knew.

18 Q Now, Mrs. Paine, while you knew Lee Harvey  
19 Oswald, was he able to drive an auto-  
20 mobile?

21 A Well, I can describe my attempts to teach him,  
22 which might answer your question.

23 Q Well, tell us first when these attempts took  
24 place.

25 A These were in October of 1963.

1 Q Where?

2 A In Irving, Texas.

3 Q Well, please do describe your attempts to  
4 teach him.

5 A We went one Sunday afternoon to an empty  
6 parking lot, and I tried -- well, he, in  
7 other words, took the wheel and could  
8 handle the car enough to start it, but  
9 he was very awkward about turning a right-  
10 angle turn. As most beginners do, he  
11 kept the wheel cramped too long, so then  
12 he had to recover and straighten out,  
13 and that was just in turning corners.  
14 He also -- we did try to park once and  
15 he just couldn't do it at all.

16 Q I see.

17 A It was clear to me that while he was eager to  
18 learn, he had not had experience behind  
19 a wheel handling a vehicle.

20 Q And this was in October of '63?

21 A Yes.

22 Q Now, Mrs. Paine, do you remember where you  
23 were at the time of the assassination  
24 of President Kennedy?

25 A Yes.

1 Q Where were you?

2 A In my living room.

3 Q Were you by yourself or with someone?

4 A No, Marina and I were sitting on the sofa  
5 watching TV.

6 Q Did you actually see the assassination on TV?

7 A No, it wasn't covered. They were describing --  
8 I mean there was no picture -- they were  
9 describing the motorcade but there was  
10 not a picture of it.

11 Q And how did you learn that the President had  
12 been assassinated?

13 A Well, first there was a report that he had  
14 been --

15 MR. ALCOCK:

16 Object as hearsay. She can say how she  
17 learned it without going into the  
18 particulars of what was said or --

19 MR. DYMOND:

20 Don't say actually what the report said  
21 but just tell us how you learned it.

22 THE COURT:

23 Either by TV or radio, or by telephone  
24 or a neighbor. In other words, how  
25 did you get the information?

1 THE WITNESS:

2 On the television.

3 THE COURT:

4 On the television.

5 BY MR. DYMOND:

6 Q And where was this television located?

7 A In the living room of my home.

8 Q That is in Irving, Texas?

9 A Yes.

10 Q And you say Marina Oswald was with you, is  
11 that correct?

12 A Yes.

13 Q Now, at that time did you own an automobile,  
14 Mrs. Paine?

15 A Yes.

16 Q What kind of automobile was it?

17 A A Chevrolet Station Wagon.

18 Q Did it have a rack on top of it?

19 A No, not at that time. When I was driving East,  
20 it had a portable one, or when I came  
21 back from the East it had one which I  
22 took off when we came back.

23 Q I see. Now, at the time of the assassination  
24 where was your automobile, Mrs. Paine?

25 A In the driveway in front of my home.



1 Q Did you at any time on November 22, 1963 lend  
2 your automobile to anyone?

3 A No.

4 Q More particularly, did you lend it to a rough  
5 looking, heavy Latin-type man?

6 A No.

7 Q Now, Mrs. Paine, did you have anything to do  
8 with Lee Harvey Oswald obtaining employ-  
9 ment at the Texas School Book Depository?

10 A Yes, indirectly. He had been looking for work  
11 for more than a week and hadn't had any  
12 luck -- I guess it had been one full week  
13 that he had been looking and had been out  
14 to my house again for a weekend and was  
15 pretty discouraged, and it was the follow-  
16 ing morning that Marina and I were having  
17 coffee with the neighbor next door to my  
18 house, and another neighbor came in and  
19 we were talking about his problem finding  
20 work. He didn't drive and this limited  
21 him very much in the kind of work he  
22 could apply for. He couldn't get a  
23 delivery job, he couldn't even get to  
24 most jobs because transportation, public  
25 transportation, is very poor in Texas --

15

1           there isn't any in Irving at all -- and

2           Mrs. Randall --

3           MR. ALCOCK:

4           Your Honor, I am going to ask the Court  
5           to caution this witness not to say  
6           anything that was said at this  
7           particular time unless she personally  
8           said it.

9           BY MR. DYMOND:

10          Q       That is correct, Mrs. Paine. If someone else  
11                   said something and you did anything as  
12                   a result of something that was said, you  
13                   may say what you did, --

14          A       Oh.

15          Q       -- but don't say what anyone else told you at  
16                   that time. As a result of the conversa-  
17                   tion that you had on that day, did you  
18                   do anything?

19          A       Yes.

20          Q       What did you do?

21          A       I telephoned the Texas School Book Depository  
22                   and asked whether they were employing at  
23                   this time, whether they did have an open-  
24                   ing.

25          Q       To your knowledge, was any appointment made?

1 A Appointment? No. You have got me confused  
2 on how to describe what the man said  
3 without saying what he said.

4 (Laughter in the courtroom.)

5 THE BAILIFF:

6 Order! Order!

7 MR. DYMOND:

8 You can't very well do that.

9 MR. ALCOCK:

10 That is hearsay.

11 THE WITNESS:

12 I heard him say it.

13 BY MR. DYMOND:

14 Q To your knowledge, as a result of your conver-  
15 sation, did Lee Harvey Oswald do anything?

16 A Yes. I understood -- well, how can I say  
17 this? Can I say I did not get a clear  
18 understanding that they were or were not  
19 hiring?

20 Q Well, let me ask you, as a result of your  
21 having this conversation did Lee Harvey  
22 Oswald finally do anything?

23 A He applied the next day --

24 Q I see.

25 A -- to the Texas School Book Depository for a

17

1                    job, and did receive a job and telephoned 18  
2                    us about noon that following day, a  
3                    Tuesday, to say that he was to report to  
4                    work the next day.

5        Q        I see. Now, to whom did you speak at the Texas  
6                    School Book Depository when you called  
7                    there?

8        A        Mr. Roy Truly.

9        Q        At the time that you made this call to Mr. Roy  
10                   Truly at the Texas School Book Depository,  
11                   did Lee Harvey Oswald have any way of  
12                   knowing that you were making this call?

13      A        No, none.

14      Q        Did he ever ask you to make such a call?

15      A        No.

16      Q        Now, did you ever see Lee Harvey Oswald in  
17                   possession of a gun or rifle, Mrs. Paine?

18      A        No, I didn't, I didn't know he had a gun.

19      Q        Did you know of any gun or rifle that he had ,  
20                   stored in the garage or carport of your  
21                   home in Dallas, in Irving?

22      A        No, I did not, not until the afternoon after  
23                   the assassination.

24      Q        Did you ever see any guns stored on your  
25                   premises?

1 A No, nor would I have wanted it there had I 19  
2 known. We had very young children, I  
3 wouldn't have wanted a gun on the premises  
4 at all.

5 Q I see. Mrs. Paine, had you ever before seen  
6 this Defendant, Mr. Clay Shaw, before  
7 today out here at court?

8 A Not before today.

9 Q Did you ever hear Lee Harvey Oswald mention  
10 any of these names: Clay Shaw, Clay  
11 Bertrand, or Clem Bertrand?

12 A No, I did not.

13 Q During the time that you were at the Oswald  
14 home on Magazine Street, did they have  
15 any visitors?

16 A There was a visitor that I arranged to have  
17 come, and I can't recall -- I imagine  
18 it was during that weekend that she came.

19 Q A visitor that you arranged to have come?

20 A Yes.

21 Q Other than that, were there any visitors?

22 A No.

23 MR. DYMOND:

24 We tender the witness.

25 CROSS-EXAMINATION

1 BY MR. ALCOCK:

2 Q Mrs. Paine, after you drove Marina back to  
3 Dallas, Texas from New Orleans in  
4 September, 1963, did Lee reside with  
5 you and Marina at your home?

6 A Well, you must understand that she and I and  
7 our children came back ourselves, and I  
8 understood that Lee was going to be look-  
9 ing for work. We left him here in New  
10 Orleans. I next saw him on the 4th of  
11 October. We arrived back -- what? --  
12 the 24th of September.

13 Q And did he take up residence in your home  
14 at that time?

15 A No, he did not, he spent the weekend and went  
16 in Monday to -- the 4th of October was a  
17 Friday, and then he went in Monday to  
18 look for work, and he also got a place  
19 to live.

20 Q Did you know where that place was?

21 A No, I did not. Sometime later he left a  
22 telephone number with me, which is what  
23 I did have. His wife of course was  
24 expecting a child at the time, and he  
25 indicated he could be reached at this

number if she went into labor.

Q And do you know whether or not she made an attempt to locate him at that number any time from your home?

A She did once, yes.

Q And do you know whether or not she was successful in locating him at that number?

A She asked me to dial the number, and I did and asked for Lee Oswald, and someone answered saying he didn't know anyone of that name, and I asked was this number such and such, he said yes, it was, and was it a rooming house, he said yes, it was, so at that point I didn't know what to do and just thanked him and hung up.

Q Were you ever informed as to why you were unsuccessful in that attempt to locate him at that number, by Lee Oswald?

(The witness laughed and there was general laughter in the courtroom.)

MR. DYMOND:

Object on the ground of hearsay.

THE COURT:

Did you say by Lee Oswald?

MR. DYMOND:

1 By Lee Oswald?

2 MR. ALCOCK:

3 That is exactly what I said, Mr. Dymond.

4 THE COURT:

5 Repeat the question.

6 BY MR. ALCOCK:

7 Q Were you ever informed as to why you could  
8 not locate Lee Oswald at that number,  
9 by Lee Oswald?

10 A Nope.

11 Q Did you ever hear him --

12 A His wife informed me.

13 Q His wife informed you. Was he present?

14 A No.

15 Q Now, Mrs. Paine, did Lee Oswald come to your  
16 home generally on weekends from his  
17 apartment in Dallas?

18 A That is correct.

19 Q Do you recall whether or not he left your  
20 home for any appreciable length of time  
21 on any of these weekends?

22 A No, he did not.

23 Q Do you recall his leaving your home at all  
24 on any of these weekends?

25 A Except as he went with me in my car, he didn't



Reference copy, JFK Collection: HSCA (RG 233)

23

1 leave.

2 Q I see. Do you recall his ever leaving home  
3 on any of these weekends with a package  
4 approximately three feet long?

5 A No. Perhaps it would be important to say we  
6 aren't near anything and there is no  
7 public transportation in Irving.

8 Q Mrs. Paine, do you know whether or not as a  
9 matter of fact there was any rifle range  
10 close to your home where a person might  
11 practice using a rifle?

12 A I know of none.

13 Q I think you said Lee could not drive, is that  
14 correct, to your knowledge?

15 A I suppose he could have handled the car if  
16 he had to, but he very green.

17 Q Now, did Lee Oswald come to your home on the  
18 weekend immediately preceding the  
19 assassination?

20 A No, he did not.

21 Q Was that unusual?

22 A Yes. Marina asked him not to.

23 Q Now, did he come to your home at any time  
24 in the following week?

25 A Yes.

1 Q What day?

2 A Thursday.

3 Q Do you recall approximately what time he  
4 arrived?

5 A I was out grocery shopping and I arrived back  
6 from grocery shopping somewhere between  
7 -- it was a little after 5:30, I would  
8 judge, and he was on the lawn, so, in  
9 other words, he arrived sometime before  
10 that and he and Marina were talking on  
11 the lawn, and then he helped pick up a  
12 bag of groceries and helped carry them  
13 in, and I was carrying a bag.

14 Q Did you see him rather regularly on that night,  
15 if you can recall?

16 A Well, we had dinner together as usual. Then,  
17 as best I can recall, he retired to his  
18 room at 8:30 or 9:00 or something, to  
19 the room where Marina and the babies  
20 were sleeping -- were living I should say  
21 -- and I worked a short time in the  
22 garage that evening. I noticed the light  
23 had been left on, which I was pretty sure  
24 I hadn't left it on. I was painting  
25 some things, but I finished fairly early

1 and went to bed myself.

2 Q I take it then that you retired after the  
3 Oswalds retired that night? Is that  
4 correct?

5 A I don't know if he went to sleep.

6 Q No, but retired?

7 A But he was already in the room where he slept.

8 Q Do you know whether or not Marina retired  
9 after Lee Oswald retired that night?

10 A I think she was probably the last to go to  
11 bed that night.

12 Q I see. Where was this light that you mentioned  
13 in the garage? Was it a wall light hang-  
14 ing down?

15 A Yes, exactly.

16 Q And where is the switch?

17 A The switch is on the wall inside the garage.

18 Q Is there any access to your garage, Mrs.

19 Paine, from inside the home?

20 A Oh, yes.

21 Q Where would that be, from what room?

22 A From -- it is a den-dining area.

23 Q Is there any access into your garage from  
24 outside of the home?

25 A From the garage door, but it was locked to

1                   the best of my recollection. We did  
2                   not park the car in it.

3       Q       I didn't hear you.

4       A       We did not use the garage for the car.

5       Q       You used it more for storage?

6       A       Right.

7       Q       Do you know whether or not Lee Oswald had a  
8                   key to this lock?

9       A       I would be certain he didn't.

10      Q       He didn't? Approximately what time did you  
11                   go to the garage and notice this light  
12                   on that you had not seen earlier?

13      A       I would guess it to be around 9:00 o'clock  
14                   in the evening.

15      Q       Would this have been prior to the retirement  
16                   of Lee to his room, or after the retire-  
17                   ment of Lee to his room?

18      A       To the best of my recollection, he was -- had  
19                   already gone to the room.

20      Q       Now, had you purchased any curtain rods for  
21                   Lee Oswald on that day or any day?

22      A       No.

23      Q       Had he asked you at any time to purchase any  
24                   curtain rods?

25      A       No.

1 Q On that night, more specifically the night  
2 of November 21, a Thursday night, did  
3 you see any curtain rods in Lee's  
4 possession at any time?

5 A No.

6 Q Did you hear him ask his wife about any  
7 curtain rods on that night?

8 A No.

9 Q Did you see any curtain rods in her possession  
10 at any time on that night?

11 A No.

12 Q Did you see any curtain rods in his possession  
13 at that time?

14 A No.

15 Q To your knowledge, were there any curtain rods  
16 in the garage?

17 A Yes, there were some.

18 Q Were they yours or the Oswald's?

19 A They were mine.

20 Q Did he ask you to use these curtain rods at  
21 any time?

22 A No. I doubt he knew they were there.

23 Q Were the Oswald's belongings more or less  
24 over to one corner of the garage?

25 A More or less.

1 Q Do you recall whether or not any of these  
2 belongings were wrapped in a blanket?

3 A Yes, there was a blanket on the floor.

4 Q On the floor?

5 A When I recall seeing the blanket, it was  
6 on the floor.

7 Q And when was that that you saw the blanket  
8 on the floor?

9 A It was Friday afternoon, November 22.

10 Q And what was your occasion for going to the  
11 garage at that time?

12 A Well, officers had arrived and said they had  
13 Lee Oswald in custody for shooting an  
14 officer, and asked if they could come in,  
15 and --

16 Q Let me caution you this is hearsay you are  
17 going into, what these officers said.

18 A Shall I describe what they did?

19 Q Yes.

20 A O.K. They came in, and I indicated that most  
21 of the Oswald's possessions were either  
22 in the bedroom or in the garage, and we  
23 went into the garage, and a question arose  
24 as to whether Oswald had had a weapon of  
25 any sort. Foolishly I said no, but I

1           then translated the question to Marina,  
2           and she said she knew him to have a rifle  
3           and indicated the blanket roll on the  
4           floor, and then I translated what she  
5           indicated to me, and the officer picked  
6           up the roll in the middle and hung it  
7           over his arm.

8       Q     Was there anything in the blanket roll?

9       A     It looked pretty empty. He did not open it.

10      Q     Do you recall, Mrs. Paine, having viewed that  
11             particular blanket roll on the night  
12             before?

13      A     No, I don't.

14      Q     Do you recall having seen that blanket roll  
15             in your garage at any time after you  
16             brought Marina, that is, back from New  
17             Orleans?

18      A     I don't have a specific recollection of that.

19      Q     Mrs. Paine, do you recall who unloaded your  
20             station wagon after you returned from  
21             New Orleans to Irving with Marina in  
22             September?

23      A     Yes. Some of the things that were in it I  
24             took off or out -- both -- of the station  
25             wagon, and there were a couple of large

1 Marine duffels which were very heavy,  
2 and we waited until my husband, Michael  
3 Paine, came and asked him to move those.

4 Q And were these all generally placed in the  
5 garage area that you have referred to  
6 in your testimony?

7 A Yes.

8 Q Did you ever have occasion to ascertain what  
9 all of the various packages may or may  
10 not have contained?

11 A No, never.

12 Q Do you recall, Mrs. Paine, who loaded the  
13 station wagon up here in New Orleans?  
14 That would have been the weekend of the  
15 20th through the 23rd of September.

16 A Yes. Of course, there were a lot of things  
17 already in it that were mine, but Lee  
18 packed their things and then loaded  
19 them also into the station wagon before  
20 we left.

21 Q Do you recall doing any of the loading at all  
22 of the Oswald goods?

23 A No.

24 Q Now, Mrs. Paine, did you have occasion to  
25 drive Lee Oswald to the bus in April of



1 1963 when he was on his way to New  
2 Orleans?

3 A It would help me to look at the calendar to  
4 see if it was April.

5 Q Certainly. Go right ahead.

6 A (Referring to volume) Yes. There is appar-  
7 ently --

8 Q Again, I must caution you not to read it but  
9 merely refer to it, and if it refreshes  
10 your memory, --

11 A O.K.

12 Q -- testify from your memory being refreshed.

13 A I can, certainly. I guess it was toward the  
14 end of April, and I recall coming for  
15 an appointment just to visit with Marina,  
16 and they were all packed and Lee asked  
17 if I could take him to the bus station  
18 carrying the things. He was especially  
19 concerned about getting the stuff to the  
20 bus station, and I did carry him and the  
21 stuff and Marina down to the bus station,  
22 and, as I recall, he bought a ticket for  
23 himself and for her, but I suggested that  
24 when he called and said he had work I  
25 would drive her down.

1 Q Were you under the impression at that time  
2 that Marina was going to accompany Lee  
3 in April when you took them to the bus  
4 station?

5 A No. The arrangement they had planned was for  
6 her to stay back in the apartment, and  
7 it was only modified for her to stay  
8 back with me.

9 Q But he had purchased a ticket for Marina?

10 A He had purchased a ticket for her to follow.

11 Q I see. Do you recall how many bags he took  
12 with him on this occasion?

13 A No, I don't.

14 Q Do you recall whether it was more than one?

15 A Oh, more than one, yes. It was certainly  
16 more than he could have comfortably  
17 carried by himself.

18 Q I see. Do you feel it might have been more  
19 than two?

20 A Yes.

21 Q More than three?

22 A I would guess so, three or four, something  
23 like that, bulky, not just suitcases  
24 but --

25 Q Duffel bags?

1       A       I think so, but my real recollection is of  
2               the return trip rather than what he had  
3               that day.

4       Q       Now, you have stated that you had met Lee and  
5               Marina in February of 1963, is that  
6               correct?

7       A       Yes.

8       Q       Would it be a fair statement to say that  
9               during the period that Lee remained in  
10              Dallas, that you saw Marina more than  
11              you saw Lee?

12      A       Yes, that is correct.

13      Q       Could you approximate for us how many times  
14              you may have seen Lee during that period?  
15              That would have been from February to  
16              whenever you took him to the bus station  
17              in April.

18      A       I would guess two or three times.

19      Q       Approximately how long did you see him on  
20              those occasions?

21      A       One time was at an afternoon picnic, and  
22              another time was an evening dinner at  
23              my home. Michael Paine went to pick  
24              them both up and bring them to our  
25              house. That is all I recall.

1 Q Did you find Lee Oswald a talkative person?

2 A No, I did not.

3 Q To your knowledge, did Lee Oswald like to  
4 read?

5 A Yes, I believe so. He did not read much at  
6 my house, however; he watched television.

7 Q Now, again referring to the month of November  
8 1963, of your own knowledge, do you know  
9 whether or not any FBI Agents came to  
10 your home seeking the whereabouts of  
11 Lee Oswald?

12 A Yes, they did.

13 Q Do you recall on what date or dates this may  
14 have occurred?

15 A It was early in the month. I think one --  
16 the second time was a Friday, probably  
17 the 5th, but I am not sure.

18 Q You can refer to your calendar if that will  
19 refresh your memory.

20 A O.K. (Referring to volume) Well, it looks  
21 like it might have been Friday, the 1st  
22 of November or the 8th. There is no  
23 notation indicated, it just says what  
24 Friday was.

25 Q Well, is it your recollection that it was

1                   on more than one occasion or merely  
2                   one occasion?

3       A       There was more than one occasion. The first  
4                   occasion two men came, and the second  
5                   occasion I recall only one.

6       Q       And this is in the month of November 1963?

7       A       The second occasion certainly was.

8       Q       Was this occasion of November 1963 where one  
9                   agent came or two agents?

10      A       The second occasion was the one agent. Is  
11                   that what you are asking?

12      Q       Yes. Did you have occasion to tell this  
13                   agent anything?

14      A       Yes. He asked if I knew --

15      Q       You can't say what he asked, just what you  
16                   told him.

17      A       All right. I told him that Lee Oswald was  
18                   working at the School Book Depository.  
19                   I was unable to tell him where Lee  
20                   Oswald might be living because I didn't  
21                   know. It didn't occur to me that I had  
22                   a telephone number that might -- it  
23                   didn't tell me where he lived -- would  
24                   have been able to tell the agent where  
25                   he lived. I did mention that I thought

1           Lee was worried about losing his job  
2           and that I hoped he would be discreet  
3           in approaching him on the job, and he  
4           said he would be.  Oops!

5           (Laughter in the courtroom.)

6   Q       Mrs. Paine, have you ever heard of the name  
7           of O. H. Lee?

8   A       Well, since the -- O. H. Lee -- well, since  
9           the assassination.

10  Q       Have you ever heard of A. J. Hidell?

11  A       Since the assassination.

12  Q       I take it then that prior to the assassination  
13           you had never heard of these names, is  
14           that right?

15  A       That is right.

16  Q       Now, Mrs. Paine, when you came to the city  
17           of New Orleans on September 20, 1963,  
18           can you approximate for us what time of  
19           day or night you arrived?

20  A       Yes, sir, it was late afternoon.

21  Q       And you were here in the late afternoon of  
22           the 20th?  Is that correct?

23  A       That is right.  That is my best recollection.

24  Q       What do you call late afternoon?

25  A       Five-thirty, around that time.

1 Q And approximately what time did you leave 37  
2 on the 23rd?

3 A Well, it was morning; I would judge it would  
4 be somewhat after 9:00.

5 Q After 9:00 a.m.?

6 A It might have been earlier, but it is hard  
7 to get three babies and two mothers  
8 started earlier. I recall we had  
9 trouble with a slightly low tire, too,  
10 that delayed us.

11 Q Now, Mrs. Paine, did you have occasion to have  
12 a conversation with Lee on that weekend  
13 as to where he was going, if any place?

14 A Yes.

15 Q And where did he tell you he was going?

16 A He said he might try to look for work in  
17 Houston or possibly Philadelphia, is  
18 what I recall.

19 Q He mentioned the word "Houston," the city of  
20 Houston, or Philadelphia?

21 A I think so.

22 Q Did he mention Mexico at all?

23 A No, he did not.

24 Q Now, Mrs. Paine, except for the three times  
25 that you saw Lee Oswald -- approximately

1           three times; I realize that is an  
2           approximation -- when you first met Lee  
3           in February of 1963, and the times that  
4           you saw him on the two weekends, the one  
5           being in May, 1963, and the other being  
6           in September, 1963 -- may I take it you  
7           had no occasion to see him at all other  
8           than those occasions?

9       A     In between is that?

10    Q     In between, yes.

11    A     No, no.

12    Q     In other words, you didn't see him in the  
13           summer of 1963?

14    A     No.

15    Q     You didn't see him in August, the early part  
16           or middle part, or September of 1963?

17    A     No, I did not.

18    Q     And I think you have testified Lee never told  
19           you anybody he was acquainted with? Is  
20           that also correct?

21    A     That is my recollection. Marina discussed  
22           some people they knew in common, but as  
23           to friends of his, I don't recall his  
24           talking about them.

25           MR. ALCOCK:



I tender the witness.

MR. DYMOND:

I have a couple of questions.

REDIRECT EXAMINATION

BY MR. DYMOND:

Q Mrs. Paine, you have testified that you next saw Lee Harvey Oswald after your leaving here in September, on October 4 in Dallas?

A Yes.

Q Is there anything particular which fixes that date in your mind?

A Yes, there is. I recall that Marina -- well, he telephoned to the house to see if it would be possible for me to pick him up in Dallas, and Marina, who answered and talked with him, indicated that I could not because I had just been to Parkland Hospital and donated a pint of blood on her behalf -- this was done prior to her admittance for the birth of their next child -- and she indicated he would have to find his own way out. And I still have the card from -- a notation of having given blood that day. That fixes it in my memory, and I carried it in my

1 wallet.

2 Q I see.

3 A It gives my blood type.

4 Q Now, do you know where Lee Harvey Oswald was  
5 when he called on October 4?

6 A Well, I assume he was in Dallas. That is  
7 what Marina indicated.

8 Q You didn't know any more specifically than  
9 that where he was in Dallas?

10 A No.

11 Q Now, Mrs. Paine, do you know why the FBI  
12 Agents were coming to your home to talk  
13 to Lee Oswald?

14 MR. ALCOCK:

15 Well, now, Your Honor, the only way she  
16 could know that is to delve into  
17 hearsay, what the agents might or  
18 might not have said.

19 MR. DYMOND:

20 If the Court please, Lee Oswald could  
21 have told her, and he is one of the  
22 named alleged co-conspirators here.

23 THE COURT:

24 Let me make an inquiry.

25 Did you at any time ever discuss the

1 visit of these agents, either the  
2 first or the second, with Lee Harvey  
3 Oswald, and, if so, did he tell you  
4 why they were checking? First --  
5 let's make it in two parts -- did  
6 you ever discuss with Lee Harvey  
7 Oswald --

8 THE WITNESS:

9 I gave him the agent's name and suggested  
10 that he go ahead and contact the  
11 agent.

12 THE COURT:

13 That is as far as it went?

14 THE WITNESS:

15 There was no discussion as to why they  
16 might want to talk to him.

17 BY MR. DYMOND:

18 Q Did Lee Harvey Oswald ever tell you why these  
19 agents wanted to talk to him?

20 A No, I didn't hear him discuss that.

21 Q Now, Mrs. Paine, did you at any time ever  
22 see Lee Harvey Oswald with a gun or rifle?

23 A No, I did not.

24 MR. DYMOND:

25 That is all.

Reference copy, JFK Collection: ESCA (RG 233)

1 ~~MR. ALCOCK:~~ 42

2 No further questions.

3 THE COURT:

4 Is Mrs. Paine excused from the obligations  
5 of the subpoena?

6 MR. DYMOND:

7 Yes, Judge.

8 THE COURT:

9 And by the State?

10 MR. ALCOCK:

11 Yes, Your Honor.

12 THE COURT:

13 Mrs. Paine, you are excused from the  
14 obligations of your subpoena. You  
15 may leave.

16 (Witness excused.)

17 THE COURT:

18 I understand you gentlemen want to have  
19 a conference?

20 MR. DYMOND:

21 Your Honor, our next witness is quite a  
22 lengthy witness and is going to be  
23 on the stand for some time, and I  
24 know that Your Honor had expressed  
25 a desire to adjourn at 5:00 o'clock

1 today, and there is just no way  
2 that we can even get into this  
3 witness's testimony by that time.

4 THE COURT:

5 Very well. Rather than ust start the  
6 testimony of the witness -- are you  
7 at liberty to tell us his name or  
8 would you rather not at this time?

9 MR. DYMOND:

10 Yes. We have no objection. It is Dr.  
11 Fink, Your Honor, Dr. Meyer Fink.

12 THE COURT:

13 All right. Rather than start with this  
14 witness preliminarily, because I  
15 was going to recess at 5:00 o'clock  
16 today, if there is no objection --  
17 is there any objection on the part  
18 of the State?

19 MR. ALCOCK:

20 No objection.

21 THE COURT:

22 Does the State join in the request?

23 MR. ALCOCK:

24 Yes, Your Honor, the State will join.

25 THE COURT:

1 All right. Let it be noted in the  
2 record that there is no opposition.

3 Gentlemen of the Jury, I understand you  
4 saw a movie last night, "Support  
5 Your Local Sheriff."

6 (Laughter in the courtroom )

7 THE COURT:

8 I understand you are going to see another  
9 movie, a good one, this evening.

10 Well, gentlemen, again I am required by  
11 law to admonish you and instruct you  
12 each time you leave the confines of  
13 the court not to discuss in any way  
14 -- it may be hard and it may be  
15 trying, but do not discuss this case  
16 among yourselves or with any other  
17 person until it is finally given to  
18 you for your decision and your ver-  
19 dict.

20 Mr. Shaw, you are released under your  
21 original bond, and Court will stand  
22 adjourned until 9:00 a.m. Monday  
23 morning.

24 .....Thereupon, at 4:39 o'clock p.m., the  
25 proceedings herein were adjourned to  
Monday, February 24 at 9:00 o'clock a.m.....

JFK ASSASSINATION SYSTEM

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CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.....  
STATE OF LOUISIANA

vs.

CLAY L. SHAW  
.....

198-059

1426 (30)

SECTION "C"

PROCEEDINGS IN OPEN COURT,  
Monday, February 24, 1969

B E F O R E :

THE HONORABLE EDWARD A. HAGGERTY, JR.,

JUDGE, SECTION "C"

Dietrich & Pickett, Inc.

*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130-522-3111



I N D E X

<u>WITNESS:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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PIERRE A. FINCK, M.D.	2	42		
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E X H I B I T S

<u>NUMBER</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>RECEIVED</u>
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D-27	18	18	19
D-28	27	28	30
D-29	35	36	36
S-67	55	--	--
S-68	64-68	68	68
S-69	77	78	78
S-70	79	79	79

WLN

2

1 THE COURT:

2 Bring the Jury down.

3 I trust you gentlemen had a nice weekend.

4 Is the State and the Defense ready to  
5 proceed?

6 MR. DYMOND:

7 Ready.

8 MR. OSER:

9 We are ready, Your Honor.

10 THE COURT:

11 Proceed.

12 MR. DYMOND:

13 We now call Dr. Finck.

14 PIERRE A. FINCK, M.D.,

15 having been first duly sworn by the Minute Clerk,  
16 was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. DYMOND:

19 Q Dr. Finck, for the record, would you kindly  
20 state your full name.

21 A My first name is Pierre, P-i-e-r-r-e, A is my  
22 middle initial, and my last name is  
23 Finck, F-i-n-c-k.

24 Q Now, Dr. Finck, what is your profession, sir?

25 A I am a full Colonel in the United States Army

W1 N

3

Medical Corps, I am a physician in the  
Army, a specialist in pathology.

Q Are you the holder of a medical degree, Dr.  
Finck?

A Yes, from the University of Geneva Medical  
School, Switzerland, I obtained a Federal  
Degree of Physician in 1948 in Switzerland.

Q Now, what has been your experience in the  
medical profession since having obtained  
your degree in 1948?

A I had four years of formal university training  
in Pathology, two of them at the Universi-  
ty of Geneva Institute of Pathology, and  
two of them at the University of Tennessee  
Medical School in Memphis, Tennessee.

Q Now, may I interrupt you one moment and ask  
you whether or not this specific training  
in pathology came after your having ob-  
tained a regular medical degree?

A I stated that I had four years of formal  
Pathology training after my M.D. degree,  
and I was an instructor of pathology at  
the University of Tennessee, Memphis.

Q Now, Doctor, of what have your duties consisted  
in the Army?

W1/N

1 A I was drafted by the Doctor's Draft of the  
2 United States Army in 1955. I was sent  
3 to Germany where I was a Pathologist of  
4 the United States Army Hospital, Frankfurt,  
5 F-r-a-n-k-f-u-r-t, and there I performed  
6 autopsies, many of them of a medical-  
7 legal nature, involving trauma, violent  
8 deaths, bullet wounds, accidents, and then  
9 in 1959 I was sent to the Armed Forces  
10 Institute of Pathology in Washington,  
11 D.C., on the grounds of Walter Reed  
12 Medical Center. The Armed Forces Insti-  
13 tute of Pathology is the central reposi-  
14 tory and consultation facility for the  
15 Federal Military Services, the Veterans  
16 Administration, and we have some 2,000  
17 civilian contributors in the United  
18 States and throughout the world who send  
19 cases to us for consultation of a  
20 pathological nature. In brief, pathology  
21 is the study of disease but in my particu-  
22 lar field, the field of forensic pathology,  
23 f-o-r-e-n-s-i-c, it is the interpretation  
24 of medical-legal cases as they pertain to  
25 the law, cases of violent deaths, of un-

W1/N

5

1 explained deaths, unexpected deaths,  
2 poisonings, manners of deaths, such as  
3 homicide, suicide, accidents, undetermined  
4 deaths. The adjective "forensic" comes  
5 from the Latin Forum, f-o-r-u-m, which  
6 means the public place, the market place,  
7 so forensic indicates a public interest.  
8 It may relate to criminal matters, in-  
9 surance cases, claims, lawsuits, litiga-  
10 tion in general, and in November of 1960,  
11 I was appointed Chief of the Wound,  
12 W-o-u-n-d, Ballistics Pathology Branch  
13 at the Armed Forces Institute of  
14 pathology hereafter abbreviated AFIP, I  
15 repeat AFIP.

16 In 1961 I applied to take the examination in  
17 forensic pathology, the American Board of  
18 Pathology on the basis of my interest in  
19 this field as a medical student, as a  
20 physician, as a pathologist during my  
21 training, and in the Army in Europe. I  
22 had letters, for example, from the Provost  
23 Marshal, who is the Chief of police, that  
24 is the title of the Chief of police in the  
25 United States Army, who stated that I had

W1/N

1 contributed to the interpretation of  
2 violent deaths, medical-legal cases in  
3 several instances. On that basis the  
4 American Board of Pathology accepted my  
5 training and my qualifications to take  
6 the examination of the American Board of  
7 pathology in the specialty of Forensic  
8 Pathology. I had taken already -- this  
9 is a requirement, I had taken the ex-  
10 amination to be certified in anatomic  
11 pathology in 1956. On the basis of the  
12 requirements I mentioned, the Anatomic  
13 Pathology Board and my qualifications to  
14 take the examination, I was certified in  
15 1961, in 1961 by the American Board of  
16 Pathology in the special field of Forensic  
17 Pathology.

18 Going back to your question about my duties,  
19 except a tour of duty of one year in  
20 Vietnam as Commanding Officer of the  
21 Ninth Medical Laboratory, I have been in  
22 charge of the Wound Ballistics Pathology  
23 Branch of the AFIP since November, 1960  
24 and I am still in charge of it. This  
25 branch is part of the division of which

W1/N

I am also in charge and which includes other branches pertaining to other medical-legal areas such as accidents, poisonings, aircraft accidents, ground traffic accidents, et cetera.

Q Now, Doctor, have you had any additional special training or experience in connection with missile wounds?

A I have carried out experiments on missile wounds in Washington, D.C., and at Edgewood, E-d-g-e-w-o-o-d, Arsenal, Maryland, on wounds produced by bullets fired by rifles.

Q Doctor, did you have any training or experience while stationed in Panama, and, if so, what?

A In March, 1964, while stationed in Washington, D.C., I was called at home by a military aide of the Deputy Secretary of Defense who requested that I go to Panama, the Republic of Panama, on behalf of the United States as an expert medical witness. I had to provide an opinion based on some 20 autopsy reports written in Spanish, autopsies performed by the Panamanian

W1/N

Coroner on victims of the riots, r-i-o-t-s 8  
of January, 1964. I had to state whether  
or not the wounds of these victims were  
consistent with the ammunition --

THE COURT:

We need general qualifications, not  
special cases. I would prefer you  
not going into any one special case.

MR. DYMOND:

All right, sir.

At this time we submit the Doctor as a  
duly qualified expert in the field  
of Anatomic Pathology and Forensic  
Pathology.

THE COURT:

Does the State wish to traverse?

MR. OSER:

No, Your Honor.

THE COURT:

I will certify the witness concerning his  
qualifications in the field of  
Anatomic and Forensic Pathology, and  
he can give us his opinions in that  
field.

You may proceed.



W1/N

9

BY MR. DYMOND:

Q Did you have occasion to participate in the autopsy which was performed on the late President John F. Kennedy?

A Yes, I did.

Q Now, with whom else did you participate in the performance of this autopsy?

A The pathologist in charge of the autopsy of President Kennedy was Dr. Humes, H-u-m-e-s, he called me at home to come to the Naval Hospital in Bethesda, Maryland, and I went there. I found Dr. Humes and also Dr. Boswell, B-o-s-w-e-l-l, who was the Chief of Pathology in the same hospital. Dr. Humes was the Director of the Laboratory, the three of us were pathologists.

Q Now, Doctor, are you one of the co-authors of the pathology report in connection with the autopsy which was performed on our late President?

A Yes, I am.

Q Doctor, will you describe for the Court and for the Jury the nature of the examination of the body wound other than the head wound

W2/N

10

1 which had been inflicted upon President  
2 Kennedy?

3 A I would like to refer to my notes and use the  
4 small table.

5 Q Yes.

6 THE COURT:

7 I think they have a table set up for you.

8 MR. OSER:

9 I object to the use of the notes unless  
10 it is ascertained what notes these  
11 are and were they made by the Doctor.

12 MR. DYMOND:

13 He said his notes, we must assume he made  
14 them.

15 THE COURT:

16 He may refer to them, as we covered pre-  
17 viously, but he cannot read from  
18 them and testify, he cannot read  
19 from the notes already made and  
20 testify.

21 BY MR. DYMOND:

22 Q It is permissible for you to refer to your  
23 notes for the purpose of refreshing your  
24 memory; however, you may not read your  
25 notes to the Jury.

W2/N

1 A I understand.

2 Q All right, sir.

3 A I saw on the right side in the back of the  
4 neck of President Kennedy a small wound.

5 Q May I interrupt you one moment, Doctor, and  
6 ask, Doctor, let's have Mr. Wegmann step  
7 forward, and I ask you whether you can  
8 point out on his anatomy the approximate  
9 location of the wound to which you refer?

10 A Yes.

11 THE COURT:

12 Can you do this, sir, rather than doing  
13 it right here, can you do it in that  
14 area so the Jury can see?

15 MR. DYMOND:

16 Would you kindly step down, Doctor, and  
17 do it in full view of the Jury.

18 THE COURT:

19 I don't believe the Jury can see what you  
20 are doing, Doctor.

21 MR. DYMOND:

22 I think that is better now.

23 THE WITNESS:

24 Yes.

25 MR. DYMOND:

2/N

12

1 Would you mark that with this pen,

2 Doctor.

3 THE WITNESS:

4 I would like to call your attention at

5 this time to the fact that I have

6 made this mark on the shirt, and I

7 apologize for it, but on the skin of

8 President Kennedy I saw on the right

9 side at approximately five inches

10 from the right mastoid process,

11 which is a bony prominence behind

12 the right ear, the tip of it is at

13 the bottom of the bony prominence,

14 at approximately five inches from it

15 down, a wound. This wound is

16 approximately five inches from the

17 right acromion, which is the upper

18 extreme bony prominence of the

19 shoulder, and approximately two

20 inches from the midline. When ex-

21 amining this wound, I saw regular

22 edges pushed inward what we call,

23 what we call inverted. I saw a

24 regular wound with regular edges

25 pushed inward. This is what we call

W2/N

13

inverted, i-n-v-e-r-t-e-d.

BY MR. DYMOND:

Q Now, Doctor, did you make --

A May I add one thing?

Q Surely.

A This edge showed what we call an abrasion,  
a-b-r-a-s-i-o-n, which is usually seen  
when a projectile rubs against the skin  
and then goes through, it rubs it off  
and this is called an abrasion.

Q Now, Doctor, did you make a minute examination  
of this wound in the back of President  
Kennedy that you have just pointed out  
on Mr. Wegmann?

A I looked at it very closely and I had the  
opinion based on the character I mentioned,  
regular edges, with abrasion, and turned  
inward, that this was a wound of entry,  
e-n-t-r-y, which is a synonym for entrance,  
e-n-t-r-a-n-c-e.

Q From the nature of this wound and your examina-  
tion thereof, could you give a professional  
opinion as to what had entered that wound,  
that is, what it was caused by?

A It was compatible with a wound caused by a

W2/N

1 bullet.

2 Q Doctor, did you find anything in the nature of  
3 that wound which was incompatible or in-  
4 consistent with its being a wound of  
5 entry of a bullet?

6 A No.

7 Q Now, Doctor, did you examine on the remains of  
8 the late President Kennedy a wound in the  
9 frontal neck region?

10 A At the time of the autopsy I saw in the front  
11 of the neck of President Kennedy a trans-  
12 versal, which means going sideways, a  
13 transversal incision which was made for  
14 the purpose of keeping the breathing of  
15 the President, and this is called a  
16 tracheotomy, t-r-a-c-h-e-o-t-o-m-y. I  
17 examined this wound made by a surgeon, it  
18 is very commonly found in unconscious  
19 patients, the incision is made to allow  
20 them to breathe. I did not see a wound of  
21 exit at that time, but the following day  
22 Dr. Humes called the surgeons of Dallas  
23 and he was told that they --

24 MR. OSER:

25 I object to hearsay.

W2/N

15

1 BY MR. DYMOND:

2 Q You may not say what the surgeons in Dallas  
3 told Dr. Humes. That would be hearsay  
4 evidence.

5 A I have to base my interpretation on all the  
6 facts available and not on one fact only.  
7 When you have a wound of entry in the back  
8 of the neck and no wound of exit at the  
9 time of autopsy, when the X-rays I re-  
10 quested showed no bullets in the cadaver  
11 of the President, you need some other  
12 information to know where that bullet  
13 went. At the time of the autopsy there  
14 was a wound of entry in the back of the  
15 neck, no exit, no X-rays showing a bullet,  
16 that bullet has to be somewhere, so that  
17 information to me is of great importance.  
18 I insist on that point, and that telephone  
19 call to Dallas from Dr. Humes --

20 THE COURT:

21 You may insist on the point, Doctor, but  
22 we are going to do it according to  
23 law. If it is legally objectionable,  
24 even if you insist, I am going to  
25 have to sustain the objection.

12/N

16

1 Do you understand me, Mr. Dymond?

2 MR. DYMOND:

3 I do.

4 BY MR. DYMOND:

5 Q You say the X-rays showed no bullet or pro-  
6 jectile in that area of the President or  
7 in any area?

8 A In the entire body we saw X-rays of, I requested  
9 whole body X-rays for the reasons I  
10 mentioned, that when I arrived in  
11 Bethesda, there were only X-rays of the  
12 head showing fragments due to another  
13 bullet wound.

14 Q Now, Doctor, let me ask you this: Was the  
15 location of the scar, that is, the  
16 tracheotomy incision which you saw, was  
17 this medically consistent with that area  
18 as having served as a point of exit of  
19 the bullet which entered the back of the  
20 President?

21 A Entirely.

22 Q Medically, was there anything inconsistent  
23 with its having been the point of exit?

24 A No.

25 Q As an expert, then, do you have an opinion as



W2/N

17

1 to what was the point of exit of the  
2 bullet which entered the President's  
3 back?

4 A Yes, I do.

5 Q Would you indicate, would you kindly tell us  
6 what that is and upon what you based it.

7 A I have seen the shirt of President Kennedy.

8 Q Would you tell us what you observed in connec-  
9 tion with this shirt of President Kennedy?

10 A In connection with the exit I am now asked to  
11 testify on, I have seen in the front of  
12 the shirt of President Kennedy a small  
13 wound at the -- approximately the level  
14 of the tie knot below the button of the  
15 shirt, and this was two holes going  
16 through the superimposed hems of the shirt,  
17 the fibers at the edge of that hole showed  
18 coagulated blood and the fibers were turned  
19 outward, indicating an exit hole. The  
20 position of that exit hole in the shirt  
21 of President Kennedy is entirely compatible  
22 with the level of the incision I saw in  
23 the front of the neck at the time of  
24 autopsy.

25 Q Dr. Finck, I show you what purports to be a

W2/N

18

1 likeness of a human body on a sketch.

2 I have marked this for identification

3 "D-27," and I ask you whether that would

4 be a likeness of the human body for the

5 purpose of the medical material to which

6 you have testified?

7 A It is. And --

8 Q Before you go further, let me ask you whether

9 you yourself drew this sketch which

10 appears in the Warren Report or whether

11 it was drawn by someone else?

12 A It was drawn by someone else.

13 Q Go right ahead, sir.

14 A This drawing was made by a Navy enlisted man

15 when we were preparing our testimony be-

16 fore the Warren Commission. Dr. Humes

17 supervised the making of this drawing.

18 Q Doctor, I ask you whether with the aid of this

19 drawing which I will now offer, file, and

20 produce in evidence, marking same for

21 identification "D-27," whether you can

22 exhibit to the Jury what in your pro-

23 fessional opinion was the course taken

24 by the bullet which entered the President's

25 back.

2/N

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THE COURT:

Before he answers that, I want to see if  
there is an objection to the offer-  
ing.

MR. OSER:

The Doctor stated this was drawn by some-  
body else.

THE COURT:

It is received in evidence and he can  
show it to the Jury.

NO HIATUS HERE.

Ph.  
3/1

20

1 BY MR. DYMOND:

2 Q Are you able to do that, Doctor?

3 A To explain this to the Jury?

4 Q That is correct.

5 A Yes.

6 Q Would you kindly step down here before The  
7 Jury and do it.

8 A Gentlemen, I would like to --

9 THE COURT:

10 May I suggest, sir, we have fourteen  
11 men, why don't we let him use the  
12 microphrone and stand over there.  
13 You have to be in a position where  
14 all of them can see and hear you.

15 THE WITNESS:

16 Yes.

17 THE COURT:

18 All right, proceed.

19 THE WITNESS:

20 I would like to explain to you the  
21 drawing labeled "D" as in Delta,  
22 -27. In the upper half of this  
23 letter-sized paper it represents the  
24 right side of the head, upper chest  
25 of President Kennedy. The arrow you

3/2

21

1 see behind his neck indicates that  
2 the projectile entered,  
3 E-N-T-E-R-E-D, in the back of the  
4 neck, and the arrow you see in front  
5 of the neck, in the front of the  
6 neck of the drawing indicates that  
7 the projectile came out in the front  
8 of the neck.

9 You will notice that the posi-  
10 tion of the head and upper chest is  
11 along a vertical line as compared  
12 to the horizontal line. You will  
13 notice that the wound of entry in  
14 the back of the neck in relation to  
15 the wound of exit in the front of the  
16 neck and in relation to a horizontal  
17 line, you will notice that the entry  
18 in the back of the neck is higher  
19 than the exit in the front of the  
20 neck.

21 BY MR. DYMOND:

22 Q All right, Doctor. Now, Doctor, I will ask you  
23 whether this sketch to which you have  
24 referred for the Jury purports to represent  
25 the actual vertical position of

3/3

22

1 President Kennedy at the time that he was  
2 hit by this bullet, or is this an arbi-  
3 trary vertical sketch? What I mean is,  
4 could he have been leaning further back-  
5 ward when he was hit, could he have been  
6 leaning further forward when he was hit,  
7 or does this purport to be the exact  
8 position in which he was at the time that  
9 he was hit?

10 A As regards the position of the President at the  
11 time of the wounding, the Zapruder film  
12 shows that the President was sitting in  
13 the presidential limousine in a straight-  
14 up position looking in a generally forward  
15 direction.

16 Q Now, upon examination of the Zapruder film  
17 Doctor, was it possible for you to deter-  
18 mine the actual moment at which the  
19 President was hit by the first projectile?

20 A The great value of the Zapruder film to us was  
21 that it established, as I said, the  
22 position of the President and also the  
23 sequence of the shots. I remind you that  
24 at the time of the autopsy we stated that  
25 we could not determine the sequence of the

3/4

23

shots. You can seldom do so by looking at wounds, so we could describe them, interpret the direction, have an opinion, a firm opinion about the direction, but as far as the sequence of the shots is concerned, this was established by the Zapruder film.

Q Now, Doctor, as an expert, do you have a firm opinion as to whether the wound which you have just described was inflicted by a shot from the rear or from the front?

A It was definitely inflicted by a shot from the rear.

MR. DYMOND:

If The Court please, with The Court's permission, I would like to exhibit this to The Jury for examination.

BY MR. DYMOND:

Q Now, Doctor, with respect to wounds in body matter such as skull, would you tell me whether the terms coning, cratering, beveling and shelving are synonymous?

A In the field of describing wounds by projectiles through structures such as bones, the terms are synonymous, I would say it is

3/5

24

1 cratering and not crating.

2 Q I thought I said "cratering."

3 A C-R-A-T-E-R-I-N-G, cratering, from a crater.

4 Q Now, Doctor, in connection with the autopsy  
5 performed on our late President Kennedy,  
6 did you have occasion to examine and  
7 analyze a head wound which appeared upon  
8 his remains?

9 A Yes, I did.

10 Q Would you describe for the benefit of The  
11 Jury the extent and nature of the examina-  
12 tion which you made on this part of the  
13 remains of President Kennedy.

14 A I saw in the back of the head of  
15 President Kennedy, at the right side at  
16 approximately 1 inch, 25 millimeters,  
17 from a bony prominence you can all feel  
18 in the back of your head, it's called the  
19 external occipital protuberance, I saw  
20 that wound slightly above this protuber-  
21 ance.

22 Q Doctor, if I come forward, will you be able to  
23 point on my head the approximate location  
24 of the wound which you have just  
25 described?



3/6

25

1 A Yes, I will be.

2 Q I won't ask you to mark this one.

3 A This is the approximate position of that  
4 wound which was in the scalp on the right  
5 side at approximately 1 inch to the right  
6 of that protuberance and slightly above  
7 it.

8 Q Now, Doctor, will you describe to The Jury the  
9 nature of this wound which you found on  
10 President Kennedy's head and the location  
11 of, which you have pointed out on my  
12 head?

13 A This wound had slightly irregular edges in  
14 contrast to the first wound I described  
15 in the back of the neck, and I would like  
16 to explain at this time the reason for that.  
17 The tissue underlying the skin, I have  
18 described in the back of the neck is soft  
19 tissue, and when the bullet strikes the  
20 skin in such an area it does not meet the  
21 resistance it meets when there is bone  
22 underneath, and this explains the differ-  
23 ence in character of those two wounds of  
24 entry.

25 The wound in the back of the head

3/7

26

1 showed irregular edges because there was  
2 bone close to the scalp corresponding to  
3 that scalp wound in the back of the head  
4 I just demonstrated, there was a hole in  
5 the bone, in the skull of President  
6 Kennedy, and I examined it, that hole,  
7 from outside the skull and from inside the  
8 skull.

9 When examining from outside the skull,  
10 I did not see a crater, I saw a hole but  
11 there was no crater around it.

12 When I looked at that wound from in-  
13 side the skull, I saw a definite crater,  
14 C-R-A-T-E-R, and this is a certain factor  
15 to identify positively the direction of  
16 a projectile going through a flat bone  
17 such as the skull. To take a practical  
18 example, I have seen similar craters in  
19 wood, when a bullet goes through and  
20 through a pane of wood, and in glass, and  
21 it is the difference of the examination  
22 between the outer surface and the inner  
23 surface that allows the examiner to deter-  
24 mine the direction of the bullet. Police  
25 officers do that all the time when they

3/8

27

1                   examine panes of wood or panes of glass,  
2                   and I have done so myself. It is an  
3                   accepted fact.

4       Q       Doctor, I show you a sketch which has been  
5                   marked for identification "D-28," and I  
6                   ask you what this represents?

7       A       This letter-sized black and white illustration  
8                   labeled "Delta-28," entitled "Perforating,  
9                   P-E-R-F-O-R-A-T-I-N-G, Missile,  
10                  M-I-S-S-I-L-E, Perforating Missile Wound  
11                  of the Skull" shows a scheme, S-C-H-E-M-E,  
12                  prepared at the Armed Forces Institute of  
13                  Pathology according to my instructions and  
14                  based on the factors I just described.

15      Q       Doctor, was this prepared under your instruc-  
16                  tions before or after the assassination  
17                  of President Kennedy?

18      A       It was prepared before the assassination of  
19                  President Kennedy to demonstrate the  
20                  pattern of wounds in bones in a through  
21                  and through wound by a projectile. I did  
22                  this for teaching purposes because I have  
23                  to give many lectures in this field.

24              MR. DYMOND:

25                  If The Court please, in connection with

3/9

28

1 the testimony of this witness, we  
2 would like to offer, file, and in-  
3 troduce into evidence the exhibit  
4 marked for identification "D-28."

5 MR. OSER:

6 No objection.

7 BY MR. DYMOND:

8 Q Now, Doctor, with the aid of Exhibit D-28,  
9 could you better explain to The Jury what  
10 you mean by coning, cratering, beveling  
11 or shelving of the bone?

12 A Yes.

13 Q Would you kindly let me get the microphrone  
14 and step down and do it, please.

15 A This is A, Alpha in white, the cavity within  
16 the skull, what we call the cranial  
17 cavity, C-R-A-N-I-A-L, labeled B as in  
18 Bravo, and the cavity shown in black, C  
19 as in Charlie is the wound of entry, D  
20 as in Delta is the wound of exit, and you  
21 see the title of this, "Perforating Missile  
22 Wound of the Skull," perforating is  
23 synonymous with through and through, it  
24 means the projectile goes all the way  
25 through a structure producing a wound of

3/10

1

1 entry and a wound of exit. There may be  
2 fragments left by the projectile in  
3 between, but as far as the wounds are  
4 concerned, it is still a through and  
5 through or perforating missile wound by a  
6 missile, here a bullet or any projectile.

7 You will notice that at the level of  
8 C, Charlie, when you examine this wound  
9 from outside you see a hole which is  
10 smaller than the hole observed when you  
11 look at that wound from inside the skull.

12 You see the diameter outside in  
13 Charlie is smaller than the inside diameter  
14 of Charlie. When you look at this wound  
15 from inside, you see a crater, C-R-A-T-E-R,  
16 or cone, and this finding is called  
17 cratering, coning, shelving, or beveling.

18 When that projectile goes through the  
19 bony structure of the skull, it produces  
20 a wound of exit, and here again by looking  
21 at the wound from inside of Delta and  
22 outside of Delta, you will see a larger  
23 diameter when examined from outside as  
24 compared to the diameter of the wound  
25 when examined from inside the skull.

29

3/11

1 It is on the basis of such factors  
2 that the direction of the bullet path,  
3 P-A-T-H, is determined.

4 MR. DYMOND:

5 If The Court please, at this time in  
6 connection with the testimony of this  
7 witness, we would like to offer,  
8 file, and produce into evidence  
9 "D-28." I think it has been offered  
10 already.

11 MR. OSER:

12 No objection.

13 MR. DYMOND:

14 May we show this to the Jury at this time?

15 THE COURT:

16 Yes.

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21 NO HIATUS HERE  
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W4/N1

31

1 BY MR. DYMOND:

2 Q Dr. Finck, in addition to what you have  
3 described as a bullet hole of entrance,  
4 the location of which you have indicated  
5 on my head, would you describe any other  
6 damage which you might have found to the  
7 skull of the late President Kennedy?

8 A In addition to the wound of entry I have dis-  
9 cussed in the back of the head, there was  
10 a very large wound, irregular, star-  
11 shaped, what we call stellate,  
12 s-t-e-l-l-a-t-e, approximately five  
13 inches in diameter. It was 13 centimeters  
14 in diameter, which is approximately five  
15 inches and one-eighth. During the course  
16 of the autopsy we received from Dallas  
17 portions of bone which have the same  
18 appearance as the general appearance of  
19 the remaining skull of President Kennedy,  
20 and on one of the fragments which we  
21 could match inside this wound, approximate-  
22 ly five inches in diameter, occupying the  
23 right side and the top of the head of the  
24 President, I saw the bevelling I described  
25 to you. First identified the outer aspect

32

W4/N2

1 of the specimen and the inner aspect,  
2 i-n-n-e-r, of the specimen to orient the  
3 specimen in relation to the wound. After  
4 having oriented the specimen as far as  
5 the outer and inner surfaces are concerned,  
6 I saw this crater when the specimen was  
7 viewed from outside which identifies a  
8 portion of the wound of exit. You realize  
9 that when you have a bullet going through  
10 a head at high velocity, the wound of  
11 entry may be entire, complete, as in this  
12 case, but because of the shattering,  
13 s-h-a-t-t-e-r-i-n-g, shattering and ex-  
14 plosive force produced by that bullet,  
15 the wound of exit is very irregular and  
16 very often you don't have all the portions  
17 of bone to make a complete skull, some  
18 portions are missing, so you cannot do  
19 what you do with a complete puzzle, to  
20 take the complete pieces and make a com-  
21 plete image. In that case the fragments  
22 were matching the wound in a general way,  
23 and I could make a positive determination  
24 of a wound of exit, of a portion of a  
25 wound of exit, in a bone fragment submitted



W4/N3

33

1 to us during the course of the autopsy,  
2 and it was, I would say, between  
3 approximately 11:00 o'clock at night --  
4 I can give you the time, it was during  
5 the course of the autopsy this fragment  
6 was brought to us and allowed us to de-  
7 termine that this was the wound of exit.

8 Q Approximately 11:00 o'clock on what date?

9 A On the 22nd of November, 1963, the date of the  
10 assassination.

11 Q Now, Doctor, were any skull fragments delivered  
12 to you which were incompatible with your  
13 opinion as to the exit area having been  
14 on the side of the head?

15 A There were none.

16 Q There were none. Now, having examined the  
17 skull particle which you have testified  
18 contained evidence as to which direction  
19 the bullet was travelling, and as an ex-  
20 pert in the field of Pathology, do you have  
21 a definite opinion as to whether the pro-  
22 jectile which caused the bone damage  
23 exhibited by that particle entered from  
24 the front or from the back?

25 A I have a definite opinion. I would like to

W4/N4

34

add that that bony specimen brought to us was X-rayed and contained metallic fragments which corroborates the finding of metallic fragments seen at the time of the autopsy on the X-ray film of the head of the President, and the X-ray film was taken before the autopsy of the head, I saw the X-ray film, there were metallic fragments on the X-ray, there were metallic fragments in that bony fragment brought to us during the course of the autopsy, and I have a firm opinion that the bullet entered in the back of the head and exited on the right side of the top of the head producing a very large wound.

Q Doctor, did you find any evidence which would indicate that the President was hit by more than one shot in the head?

A No.

Q Doctor, as a result of your examination of the head, the head of the late President, what, if you have one, is your opinion as to the direction from which the bullet which inflicted the head wound came?

A The bullet definitely struck in the back of the

39  
W4/N5

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1 head, disintegrated, which is often the  
2 case when such a bullet at high velocity  
3 goes through bone, producing numerous  
4 fragments, many of them seen on X-ray of  
5 the head, and of the bony portion of the  
6 exit, and also recovered by us, we found  
7 fragments in the brain of the President,  
8 and that projectile produced that wound  
9 of exit on the right side and top of the  
10 head.

11 Q Doctor, having examined the entire body of  
12 the late President Kennedy, did you de-  
13 tect other than the two wounds which  
14 you have described to me any other wounds  
15 on the body of the late President?

16 A I did not, no other bullet wounds.

17 Q Doctor, I exhibit to you a sketch which has  
18 been marked for identification "D-29,"  
19 and I ask you whether you drew this sketch  
20 or whether it was drawn by someone else?

21 A It was drawn by someone else.

22 Q I further ask you whether this sketch depicts  
23 the path of the bullet into and out of  
24 the head of the late president Kennedy  
25 in accordance with the professional opinions

36  
W4/N6

1 which you have given.

2 A It does.

3 MR. DYMOND:

4 If the Court please, in connection with  
5 the testimony of the witness, I would  
6 like to offer, file, and produce into  
7 evidence the sketch marked for  
8 identification "D-29."

9 MR. OSER:

10 No objection.

11 THE COURT:

12 Let it be received.

13 BY MR. DYMOND:

14 Q Now, at this time, Dr. Finck, we will ask that  
15 you step down, step before the Jury and  
16 with the aid of this sketch demonstrate  
17 to them what in your professional opinion  
18 happened when the President was hit in the  
19 back of the head with the bullet?

20 A Gentlemen, you are looking at a letter-sized  
21 paper reproduction of a drawing labelled  
22 here "D-29," D as in Delta. It represents  
23 the right side of the head and the right  
24 shoulder and upper chest of President  
25 Kennedy. For demonstration purposes, the

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W4/N7

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drawing shows the wounds in a general way, arrows indicate the direction of the missile, the arrow behind the back of the head has the word "in," i-n, and the arrow you see in front of the wound on the right side and top of the head is labelled "out," o-u-t. You see a relatively small wound of entry in the back of the head and you see a much larger wound of exit irregular on the right side of the head. This indicates the direction of the bullet striking the back of the head coming out on the right side. If you take the middle of this wound of exit, the general direction of this missile path, p-a-t-h, is from the rear to the front going downward.

Q Please return to the stand, Doctor.

MR. DYMOND:

We now ask that we be permitted to exhibit this to the Jury.

BY MR. DYMOND:

Q Now, Doctor, in view of the small size, what was according to your testimony the hole of entrance in the President's skull and

38

W4/N8

1 the relatively large size of the hole of  
2 exit, was it possible to determine with  
3 any degree of preciseness the angle at  
4 which this projectile struck the head of  
5 the president?

6 A Not with precision because the wound of exit  
7 is quite large, and this is very difficult,  
8 a very difficult thing to do, determine  
9 the angle based on such findings. It is  
10 the best interpretation we could make based  
11 on such large wound of exit and the small  
12 wound of entry.

13 Q Now, what was the best interpretation that you  
14 could make in view of the relative sizes  
15 of these wounds, Doctor?

16 A That the bullet, that the projectile entered  
17 in the back, came out on the right side,  
18 and that the direction was from above down.

19 Q Now, Doctor, is your opinion, is it not a firm  
20 one as to the direction of this projectile?

21 A My opinion regarding the direction of the pro-  
22 jectile is firm.

23 Q Now, Doctor, from the --

24 A As far as the entry and exit are concerned.

25 Q Do you have any doubt about that?

W4/N9

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1 A I have no doubt that the bullet entered in  
2 the back of the head, disintegrated, came  
3 out on the right side of the head.

4 Q Doctor, have you seen the Zapruder film?

5 A I did.

6 Q From the standpoint of a pathologist, would it  
7 be possible to render a proper or accurate  
8 pathological opinion as to the point of  
9 entrance and the point of exit of this  
10 bullet without having viewed the remains  
11 of President Kennedy and by only having  
12 seen the Zapruder film and conducted some  
13 independent experiments with cadavers or  
14 bodies other than that of President  
15 Kennedy?

16 A I would not do so.

17 Q Why, Doctor?

18 A As I said, the film was of a great value be-  
19 cause of the motion aspect of it, because  
20 it was of a great value to determine the  
21 sequence of shots, it showed the position  
22 of the body, it showed the movements of  
23 the body during the shooting, I have seen  
24 on the movie President Kennedy moving for-  
25 ward, rising his hand to his throat, and

W4/N10

40

1                   then he was struck by the second bullet  
2                   that hit in the back of the head.  
3       Q       Now, Doctor, at the time that you co-authored  
4                   the Pathological Report in connection with  
5                   the autopsy performed on the late Presi-  
6                   dent Kennedy, had the Warren Commission  
7                   yet been formed?  
8       A       Would you repeat that question, please.  
9               MR. DYMOND:  
10                   Strike that question.  
11       BY MR. DYMOND:  
12       Q       At the time you performed this autopsy, had  
13                   the Warren Commission yet been formed by  
14                   Executive Order of President Johnson?  
15       A       I don't think so. The date is available, and  
16                   to my recollection I don't seem -- I don't  
17                   think the Commission was formed.  
18       Q       When did you form your opinions as to the  
19                   directions of the projectiles which hit  
20                   President Kennedy and the number of wounds  
21                   which had been inflicted upon his body?  
22       A       At the time we signed the autopsy report, the  
23                   autopsy report, I had a firm opinion that  
24                   both bullets struck in the back, one in  
25                   the back of the neck and the other in the



4/N11

41

1 back of the head. When we signed the  
2 autopsy report, we did not know the  
3 sequence of shots.

4 Q I see. Now, Doctor, your opinion as to the  
5 direction of these bullets and the other  
6 matter which you have testified to here  
7 today, is that an honest, professional  
8 opinion on your part, or was it in any  
9 way affected by the desires or requests  
10 of anybody of Government or any indi-  
11 vidual?

12 A My opinion is an honest, professional opinion.

13 MR. DYMOND:

14 We tender the witness.

15 THE COURT:

16 Just a minute. It is about 10:28, we are  
17 going to take a recess at 10:30, so  
18 take the Jury upstairs and we will take  
19 a ten-minute recess.

20 (Whereupon, a ten-minute recess was taken.)

21  
22 NO HIATUS HERE.  
23  
24  
25

PH  
DL/1

42

1 AFTER THE RECESS:

2 THE COURT:

3 Are the State and the Defense ready to  
4 proceed?

5 MR. OSER:

6 The State is ready.

7 MR. DYMOND:

8 The Defense is ready.

9 THE COURT:

10 I believe the Doctor has been turned over  
11 for cross-examination.

12 MR. OSER:

13 Correct, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. OSER:

16 Q Doctor, I believe you stated you were one of  
17 the co-authors of the autopsy report? Is  
18 that correct?

19 A I stated that I was one of the three authors  
20 of the autopsy report.

21 Q Now, during the autopsy, Colonel, and the  
22 results of the autopsy, were there any  
23 disagreements between you and  
24 Commander Boswell and Commander Humes as  
25 to what was done and the results thereof?

D1/2

43

1 A No.

2 Q Am I correct in stating, Colonel, that you  
3 agreed, as the other two commanders  
4 agreed with you, as to the results and  
5 what was done and how it was done at the  
6 autopsy? Is that correct, sir?

7 A And how it should be reported.

8 Q Yes, sir. Right. Now, Doctor, have you ever  
9 conducted any experiments or research on  
10 the effects of a missile penetration of  
11 the brain or the skull?

12 A I did not. However, if I may --

13 Q Surely.

14 A -- say something, I have carried out experiments  
15 to study the effect of a bullet striking  
16 bone, and also the effects of a bullet  
17 going through or striking a gelatin block.  
18 The reason for doing so is that gelatin  
19 approximates the consistency of soft  
20 tissue, and I was interested to know what  
21 happens to bullets, in one case striking  
22 bone, or, in other cases, going through  
23 gelatin, because I have been called to  
24 testify in other cases. One of them  
25 involved a rib in the back of a fatality,

D1/3

and based on the crater seen in the rib of that soldier, I could determine that the wound of entry was in the back of that soldier, and I also had experiments made on the bone, on the rib, showing that when you strike that bone from the back you produce a similar lesion as that observed in the actual criminal case.

Q Well, am I correct in saying you did not have any experiments or research in the area of a missile penetrating the brain and skull? Is that correct? Did you not tell the Warren Commission that when you were asked by them, sir?

A This is correct, but I would like to say at this time that I have carried out experiments after my testimony before the Warren Commission.

Q Where did you carry those experiments out after you testified before the Warren Commission?

A Where?

Q When.

A When? In Edgewood Arsenal; it was in December of 1965 and January 1966, experiments in-

D1/4

45

1 involving bullets, and this has no con-  
2 nection at all with the assassination of  
3 President Kennedy, they were experiments  
4 made to study the effects of bullets.

5 And the other experiments were made in the  
6 F.B.I. Laboratory, and again it was not  
7 connected with the assassination of  
8 President Kennedy.

9 Q Therefore, Doctor, am I correct in stating that  
10 at the time of your autopsy report that  
11 you submitted along with Commanders Boswell  
12 and Humes, you primarily based your  
13 opinion on your observations made at that  
14 particular time? Is that correct, sir?

15 A This is correct, and --

16 Q Now, --

17 A And I would like to add the information obtained  
18 the day following the autopsy, which stated  
19 that there was a small wound in the front  
20 of the neck of President Kennedy and that  
21 that wound had been extended to make the  
22 surgical incision. The wound observed in  
23 the front of the neck was part of the  
24 surgical incision made by the Dallas  
25 surgeons, and I knew that at the time I

D1/5

46

1 signed the autopsy report.

2 Q When did you all contact the doctors at  
3 Parkland Hospital?

4 A Are you asking me if I contacted a Dr. Parker?

5 Q No, I asked you when did you all contact the  
6 doctors at Parkland Hospital in Dallas,  
7 Texas.

8 A Oh, I did not contact them, Dr. Humes did.

9 Q And did Dr. Humes relate to you what he learned  
10 from these doctors at Parkland?

11 A Definitely.

12 Q Do you know when Dr. Humes contacted these  
13 doctors at Parkland?

14 A As far as I know, Dr. Humes called them the  
15 morning following the autopsy, as far as  
16 I know, Dr. Humes called Dallas on  
17 Saturday morning, on the 23rd of November,  
18 1963.

19 Q Doctor, can you tell me why the delay in  
20 contacting the doctors that worked on  
21 President Kennedy in Dallas until the  
22 next morning after the body was already  
23 removed from the autopsy table?

24 A I can't explain that. I know that Dr. Humes  
25 told me he called them. I cannot give

D1/6

47

1 an approximate time. I can give you the  
2 reason why he called. As I have stated  
3 before, having a wound of entry in the  
4 back of the neck, having seen no exit in  
5 the front of the neck, nothing from the  
6 radiologist who looked at the whole body  
7 X-ray films, I have requested as there  
8 was no whole bullet remaining in the  
9 cadaver of the President, that was a very  
10 strong reason for inquiring if there were  
11 not another wound in the approximate  
12 direction corresponding to that wound of  
13 entry in the back of the neck, because in  
14 the wound of the head with entry in the  
15 back of the head and exit on the right  
16 side of the head, I never had any doubt,  
17 any question that it was a through-and-  
18 through wound of the head with disintegra-  
19 tion of the bullet. The difficulty was  
20 to have found an entry in the back of the  
21 neck and not to have seen an exit  
22 corresponding to that entry.

23 Q This puzzled you at this time, is that right,  
24 Doctor?

25 A Sorry, I don't understand you.

D/1/7

1 Q This puzzled you at the time, the wound in the 48  
2 back and you couldn't find an exit wound?  
3 You were wondering about where this  
4 bullet was or where the path was going,  
5 were you not?  
6 A Yes.  
7 Q Well, at that particular time, Doctor, why  
8 didn't you call the doctors at Parkland  
9 or attempt to ascertain what the doctors  
10 at Parkland may have done or may have seen  
11 while the President's body was still  
12 exposed to view on the autopsy table?  
13 A I will remind you that I was not in charge of  
14 this autopsy, that I was called --  
15 Q You were a co-author of the report though, --  
16 weren't you, Doctor?  
17 A Wait. I was called as a consultant to look at  
18 these wounds; that doesn't mean I am run-  
19 ning the show.  
20 Q Was Dr. Humes running the show?  
21 A Well, I heard Dr. Humes stating that -- he said,  
22 "Who is in charge here?" and I heard an  
23 Army General, I don't remember his name,  
24 stating, "I am." You must understand that  
25 in those circumstances, there were law



D1/8

1 enforcement officers, military people with 4'  
2 various ranks, and you have to co-ordinate  
3 the operation according to directions.

4 Q But you were one of the three qualified  
5 pathologists standing at that autopsy  
6 table, were you not, Doctor?

7 A Yes, I was.

8 Q Was this Army General a qualified pathologist?

9 A No.

10 Q Was he a doctor?

11 A No, not to my knowledge.

12 Q Can you give me his name, Colonel?

13 A No, I can't. I don't remember.

14 Q Do you happen to have the photographs and  
15 X-rays taken of President Kennedy's body  
16 at the time of the autopsy and shortly  
17 thereafter? Do you?

18 A I do not have X-rays or photographs of  
19 President Kennedy with me.

20  
21 NO HIATUS HERE  
22  
23  
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D2-N1

50

1 Q What time did you arrive at Bethesda Naval  
2 Hospital in regard to the autopsy?

3 By that I mean was the autopsy already be-  
4 gun?

5 A When I arrived, X-rays had been taken of the  
6 head. I had been told so over the phone  
7 by Dr. Humes when he called me at home,  
8 and I arrived, I would say, a short time  
9 after the beginning of the autopsy, I  
10 can't give you an exact time, it was  
11 approximately 8:00 o'clock at night.

12 Q Had any work been done on President Kennedy's  
13 body in regard to the performing of the  
14 autopsy by the time you got there?

15 A As I recall, the brain had been removed. Dr.  
16 Humes told me that to remove the brain he  
17 did not have to carry out the procedure  
18 you carry out when there is no wound in  
19 the skull. The wound was of such an ex-  
20 tent, over five inches in diameter, that  
21 it was not of a great difficulty for him  
22 to remove this brain, and this is the best  
23 of my recollection. There were no removals  
24 of the wound of entry in the back of the  
25 neck, no removal of the wound of entry in

51

D2- N2

1 the back of the head prior to my arrival,  
2 and I made a positive identification of  
3 both wounds of entry. At this time I  
4 might, for the sake of clarity, say that  
5 in the autopsy report we may have called  
6 the first wound the one in the head and  
7 the second wound the one in the neck, be-  
8 cause we did not know the sequence of  
9 shots at that time. Again, the sequence  
10 of shots was determined by the Zapruder,  
11 film, so what we did, we determined the  
12 entry of the bullet wound and stated that  
13 there were two bullet wounds, one in the  
14 back of the neck and the other in the back  
15 of the head, without giving a sequence.

16 Q How many other military personnel were present  
17 at the autopsy in the autopsy room?

18 A That autopsy room was quite crowded. It is a  
19 small autopsy room, and when you are called  
20 in circumstances like that to look at the  
21 wound of the President of the United  
22 States who is dead, you don't look around  
23 too much to ask people for their names  
24 and take notes on who they are and how  
25 many there are. I did not do so. The room

52  
D2-N3

52

1 was crowded with military and civilian  
2 personnel and federal agents, Secret  
3 Service agents, FBI agents, for part of  
4 the autopsy, but I cannot give you a  
5 precise breakdown as regards the attendance  
6 of the people in that autopsy room at  
7 Bethesda Naval Hospital.

8 Q Colonel, did you feel that you had to take  
9 orders from this Army General that was  
10 there directing the autopsy?

11 A No, because there were others, there were  
12 Admirals.

13 Q There were Admirals?

14 A Oh, yes, there were Admirals, and when you are  
15 a Lieutenant Colonel in the Army you just  
16 follow orders, and at the end of the  
17 autopsy we were specifically told -- as I  
18 recall it, it was by Admiral Kenney, the  
19 Surgeon General of the Navy -- this is sub-  
20 ject to verification -- we were specifically  
21 told not to discuss the case.

22 Q You were told not to discuss the case?

23 A -- to discuss the case without coordination  
24 with the Attorney General.

25 Q Colonel, can you tell me how the body got from

53  
D2-n4

1 Dallas to Washington, D.C. when the  
2 killing occurred in Dallas, Texas, if you  
3 know?

4 MR. DYMOND:

5 Your Honor, I object to that.

6 THE COURT:

7 I didn't hear the question, Mr. Oser.

8 Would you repeat it?

9 MR. OSER:

10 I said: Doctor, can you tell me how the  
11 body of the President got from  
12 Dallas, Texas, to Washington, D.C.,  
13 when Dallas, Texas was the scene of  
14 the homicide, if you know.

15 MR. DYMOND:

16 I think that is irrelevant to the medical  
17 testimony.

18 THE COURT:

19 It would be irrelevant as to his expert  
20 opinions that he is giving. I think  
21 your question is what care was taken  
22 of the body, is that what you mean,  
23 the body itself? You can rephrase  
24 your question.

25 MR. OSER:

D2-N5

54

1 That is all right. I will go on to  
2 another subject.

3 BY MR. OSER:

4 Q Doctor, can you tell me how many photographs  
5 were taken of the President's body?

6 A Some of the photographs were taken in my  
7 presence in the autopsy room. I can't give  
8 you the exact number, but this information  
9 is available.

10 Q To who, Doctor?

11 A To you.

12 Q It is?

13 A It is a public document.

14 Q Go ahead. How many?

15 A I can't give you an exact number of photographs  
16 taken or X-rays of the body of the Presi-  
17 dent.

18 Q Doctor, prior to your writing your report on  
19 the autopsy, did you have an occasion to  
20 view these photographs of the President  
21 that were taken?

22 A Yes, I did.

23 Q Doctor, I direct your attention to a report  
24 allegedly signed by you on 26 January,  
25 1967.

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D2-N6

55

1 MR. DYMOND:

2 What part are you talking about?

3 (Conference between Counsel.)

4 BY MR. OSER:

5 Q (Exhibiting document to witness) Doctor, I  
6 direct your attention to a report, which  
7 I mark for identification "S-67," and I  
8 ask you to take a look at this document.  
9 Would you take a look at this particular  
10 one that I have marked, Doctor, and let  
11 me know whether it is the same as the  
12 one you have before you.

13 A (Comparing documents) It is.

14 Q Your answer is that it is, Doctor?

15 A Yes.

16 Q And it contains your signature? Am I correct,  
17 sir?

18 A Yes.

19 (Whereupon, the document referred  
20 to by Counsel was duly marked for  
21 identification as "Exhibit D-67.")

22 BY MR. OSER:

23 Q Doctor, I direct your attention to the first  
24 page, the bottom of the last line of the  
25 fifth paragraph, which states, "Dr. Finck

N7

56

first saw the photographs on January 20, 1967," and I ask you if you would explain your answer to me, sir, just made, that you saw the photographs prior to writing your autopsy report in 1963.

A I did not say that I had seen the photographs before writing the autopsy report of 1963.

MR. OSER:

May I have my original question read back to the Doctor, please, and his answer. (Whereupon, the foregoing passage was read back by the Reporter as follows:

"Q Doctor, prior to your writing your report on the autopsy, did you have an occasion to view these photographs of the President that were taken?

"A Yes, I did.")

THE WITNESS:

No, I did not, I did not see those photographs before signing my autopsy report. I may have answered "I didn't" and it was transcribed as "I did."

BY MR. OSER:



D2-N8

1 Q Doctor, did you hear what the stenographer  
2 just read you back? That is my question  
3 that I propounded to you. Now the ques-  
4 tion is: Did you see the photographs of  
5 President Kennedy before signing your  
6 autopsy report.

7 A That is correct.

8 Q That is correct?

9 A I was there when the photographs were taken,  
10 but I did not see the photographs of the  
11 wounds before I signed the autopsy report.  
12 I did not see those photographs in 1963.

13 Q So what you said before, that you did see the  
14 photographs, that was wrong? Is that  
15 correct?

16 A I never said that. It was misunderstood. I  
17 said "I did not" or "I didn't." I am  
18 very firm on this point that I did not  
19 see --

20 Q Is it, Doctor, the fact that I showed you the  
21 report --

22 THE COURT:

23 I think you have covered the matter now.

24 MR. OSER:

25 Your Honor, I have a right to go into the

credibility of this witness like  
any other witness on cross-  
examination.

THE COURT:

I agree with you. I am not denying you  
that right.

MR. WILLIAM WEGMANN:

He also has a right to finish his answer  
once he starts.

THE COURT:

I don't know what the status of the matter  
is.

MR. EDWARD WEGMANN:

The Doctor hadn't finished answering his  
question when he was interrupted by  
Mr. Oser.

THE COURT:

Doctor, let me explain to you: Any ques-  
tion put to you by Mr. Oser, first,  
if there is a yes or no answer that  
can be given to it, either say yes or  
no, and then if you want to explain  
your answer, you have a legal right  
to explain it.

THE WITNESS:

D2-N10

1 Yes, sir, yes, sir.

2 THE COURT:

3 All right. You may pose your next ques-  
4 tion.

5 MR. DYMOND:

6 May he finish his last answer before he  
7 poses his next question?

8 THE COURT:

9 I thought he was finished. You may pro-  
10 ceed.

11 A (Continuing) The first time I saw the photo-  
12 graphs taken during the autopsy, the  
13 first time I saw these photographs was in  
14 January, 1967 -- one nine six seven.

15  
16  
17 NO HIATUS HERE.  
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Ph  
D3/1

60

1 BY MR. OSER:

2 Q Now, Doctor, can you tell me whether or not  
3 the fact that I pointed out to you in  
4 your report, marked "S-67" for identifica-  
5 tion, the point that Dr. Finck first saw  
6 the photographs on January 20, 1967 --  
7 is the fact that I pointed this out to  
8 you the reason that you now say The  
9 Court (sic) and the stenographer misunder-  
10 stood?

11 A I don't follow you.

12 Q Well, I am asking you, Doctor, is the fact that  
13 I point out to you in your report signed  
14 by you, that you said --

15 A Yes.

16 Q -- in this report that you didn't see the  
17 photographs until January 20, 1967, the  
18 fact that I pointed this out to you, is  
19 that the reason that you now say that  
20 somebody misunderstood you and that you  
21 did not make the statement you made before  
22 as recorded by the Court Reporter?

23 A I think so. I wish to emphasize that the first  
24 time I saw the photographs was January,  
25 '67. These photographs were taken on the

D3/2

1 22nd of November, 1963, they were turned  
2 over, as I recall, to the Secret Service,  
3 so they had been exposed, but I did not  
4 see the processed photographs until  
5 January, 1967. In 1964 I saw photographs,  
6 if I may recall, but they were not from  
7 the -- from the autopsy, they were from  
8 the Zapruder film in 1964.

9 Q Now, Doctor, in the area of pathology, more  
10 specifically that of performing autopsies,  
11 and arriving at conclusions from autopsies,  
12 would you say that the use of photographs  
13 and X-ray are routine and necessary parts  
14 of a pathologist arriving at his opinion?

15 A It is extremely useful.

16 Q Would you say that is the normal practice at  
17 autopsies, to have photographs and various  
18 X-rays made of the body that you are  
19 performing the autopsy on?

20 A It is a normal practice to take X-rays and  
21 photographs of a missile wound case.

22 Q Will you tell me whether or not, Doctor, if you  
23 know, whether these photographs and X-rays  
24 were ever displayed to the members of the  
25 Warren Commission.

D/3/3

62

1 A Please repeat your question.

2 MR. DYMOND:

3 Object unless he was present.

4 MR. OSER:

5 I said tell me whether or not you know.

6 THE COURT:

7 Now, this is of his own personal know-  
8 ledge?

9 MR. OSER:

10 Yes, sir.

11 BY MR. OSER:

12 Q Can you tell me, Doctor, whether or not, if  
13 you know, these photographs and X-rays  
14 were ever displayed to the members of the  
15 Warren Commission, if you know, Doctor?

16 A What is the word you used before, "Warren  
17 Commission"?

18 Q Displayed.

19 A Displayed?

20 Q Or shown.

21 A Shown?

22 MR. DYMOND:

23 Your Honor, unless the Doctor was present,  
24 he can't testify to this. Secondly,  
25 I think that is irrelevant to the

D3/4

63

1 issues in this case. We have said many  
2 times that we are not trying the  
3 Warren Commission here.

4 THE COURT:

5 We can nip it, we can find out whether  
6 or not the Doctor knows of his own  
7 knowledge whether they were or were  
8 not, and that will dispose of the  
9 matter. Either he knows or he doesn't  
10 know.

11 Do you know of your own know-  
12 ledge?

13 THE WITNESS:

14 When I appeared before the Warren  
15 Commission in March, 1964, the X-rays  
16 and the photographs were not avail-  
17 able to us in the preparation of our  
18 testimony.

19 BY MR. OSER:

20 Q Am I correct in stating, Colonel, that you and  
21 Commander Humes and Commander Boswell  
22 appeared in front of the Warren Commission  
23 at the same time?

24 A We did.

25 Q Can you tell me why the X-rays and photographs

D3/5

64

1                   were not available at that time?

2       A       I was told that it was the wish of the Attorney  
3                   General.

4       Q       Thank you, Colonel.

5       A       -- who was then Robert F. Kennedy.

6       Q       (Exhibiting document to witness.) Doctor, I  
7                   show you what the State marks for purposes  
8                   of identification "S-68," and I ask you if  
9                   you would view this exhibit and tell The  
10                  Court whether or not you have ever seen  
11                  anything depicted on here as being similar  
12                  to what you have seen before.

13      A       I recognize those drawings but I am not the  
14                  author of them.

15      MR. DYMOND:

16                  I didn't hear the first part. I recognize  
17                  what?

18      MR. OSER:

19                  Those drawings.

20      THE WITNESS:

21                  I recognize those drawings; I am not the  
22                  author of them.

23      BY MR. OSER:

24      Q       Were you present, Doctor, when this was done,  
25                  at the time of the autopsy or shortly



D3/6

65

1                   thereafter, in conjunction with

2                   Commander Humes and Commander Boswell?

3           MR. DYMOND:

4                   Object, Your Honor. There is no evidence  
5                   as to when this was done, and Coun-  
6                   sel's question assumes there is  
7                   evidence as to when this was done.

8           MR. OSER:

9                   I asked if he was present when it was  
10                   done.

11          MR. DYMOND:

12                   He went on to say when he contends it  
13                   was done. That is the part I am  
14                   objecting to.

15          THE COURT:

16                   I think the exhibit -- I cannot comment on  
17                   the evidence, but you are trying to  
18                   lay a predicate to see if the witness  
19                   can identify it as being similar to  
20                   something he has seen before?

21          MR. OSER:

22                   Yes, sir.

23          THE COURT:

24                   Why don't you ask him that question first?

25          MR. OSER:

D3/7

66

1 I thought I had, Your Honor.

2 THE COURT:

3 Maybe you did.

4 BY MR. OSER:

5 Q Doctor, is this exhibit, which I have marked  
6 as "State-68" for purposes of identifica-  
7 tion -- I ask you if what is depicted on  
8 this particular exhibit is similar to  
9 something that you have seen before,  
10 Doctor.

11 MR. DYMOND:

12 If The Court please, at this time we are  
13 going to object to this testimony as  
14 to similarity. We have here sketches  
15 which purport to deal in detail, in  
16 measurements and so forth, and I  
17 submit to the Court that in that area  
18 similarity is not good enough.

19 THE COURT:

20 It depends on the witness. He has stated  
21 he recognized it. The question he has  
22 not answered for Mr. Oser yet is  
23 whether or not the exhibit offered to  
24 him is similar and does he recognize  
25 it, and he has not answered that

D3/8

67

question. I would overrule your objection until he answers that question.

THE WITNESS:

I recognize it for the purpose of identification. I see in the left upper corner "NMS" -- Navy Medical Sheet -- "63272," and this was the autopsy number given in Bethesda for the autopsy of President Kennedy, and these drawings may have been made by both Dr. Humes and Dr. Boswell. They pertain to the observations along the autopsy of President Kennedy.

THE COURT:

I will permit the exhibit to be received in evidence on the ground that it is similar. From the testimony of the witness Dr. Finck, I will permit it to be received in evidence.

MR. DYMOND:

To which ruling Counsel for the Defense reserves a bill of exception, making the entire testimony, Counsel's

D3/9

1 objection to this exhibit "State-68," 68  
2 the reasons for the objection, and  
3 the ruling of the Court and the  
4 entire record parts of the bill.

5 MR. OSER:

6 Your Honor, the State now wishes to  
7 offer, file and introduce into  
8 evidence "S-68."

9 THE COURT:

10 It shall be admitted.

11 MR. DYMOND:

12 To which offering the Defense objects,  
13 using as parts of its bill the same  
14 component parts which were set forth  
15 in the preceding bill.

16 (Whereupon, the diagram offered  
17 by Counsel was duly marked for  
18 identification as "State-68,"  
19 and received in evidence.)

20  
21  
22 NO HIATUS HERE.  
23  
24  
25

69  
D4/N1

69

1 MR. OSER:

2 Your Honor, the State requests permission  
3 to place it on this board, if I may.

4 THE COURT:

5 You may do so.

6 (Exhibit mounted on display board.)

7 BY MR. OSER:

8 Q Doctor, at the time of the autopsy, was such  
9 a sheet as depicted in State Exhibit 68  
10 prepared by either you or one of the  
11 other two members of the autopsy team  
12 of you all performing the autopsy on  
13 President Kennedy?

14 A This was not prepared by me.

15 Q Did you see anybody prepare this particular  
16 exhibit, or working on this particular  
17 exhibit?

18 A Well, the three of us were involved in this,  
19 taking measurements and -- I did not make  
20 those drawings.

21 Q Was such a sheet of paper as depicted on that  
22 particular exhibit; part of your autopsy  
23 work that the three of you all performed?

24 A I would think that this was handled by Drs.

25 Humes and Boswell. Personally I can't --

70

D4/N2

70

I recall having seen this but to give an exact time, an exact hour, and what I did with this, I can't say. I don't remember. It is part of the case but I don't remember details on this.

Q Part of the case. Fine.

A At this time I would like to add something.

As a pathologist, you put down what you find in a mock-up scene to show the location, the approximate location. There may be variations between drawings and photographs, for example, but the advantage of having those immediate records is to put down the information mentioned -- number of wounds, location of wounds, dimensions taken at the time of autopsy.

Q Doctor, what you are talking about or commenting about is the fact that the point I am pointing to on this particular autopsy descriptive sheet, the area of the hole in the back being considerably lower and in a different position than the hole you drew on Mr. Wegmann's shirt? Is that what you are referring to, sir?

THE WITNESS:

71  
D4/N3

Mr. Wegmann, can you kindly show the mark?

71

(Whereupon, Mr. William Wegmann arose,  
removed his coat, and exhibited the  
marking on his shirt.)

THE WITNESS:

I would like to repeat that the mark on  
the shirt of Mr. Wegmann is on his  
shirt, whereas the wound I saw was  
in the skin in the back of the neck,  
and I would say that the wound I saw  
was higher than the one I see on the  
drawing.

BY MR. OSER:

Q But am I correct in stating, Doctor, that the  
dot that is on Mr. Wegmann's shirt  
corresponds to where you say the wound  
in the President's back of his neck was?  
If I drew that dot through his shirt and  
put it on his skin, Mr. Wegmann's skin,  
that would be the location that you testi-  
fied to on direct examination? Am I  
correct?

A Well, again I want to call your attention to  
the fact that we are here arguing about --

Q I am not arguing.

72  
D4/N4

72

1 A -- the mark on the shirt.

2 Q I am not arguing. Answer my question.

3 MR. EDWARD WEGMANN:

4 He is answering the question.

5 MR. OSER:

6 Let him answer the question.

7 THE COURT:

8 Will you both speak to me.

9 MR. WILLIAM WEGMANN:

10 He doesn't like the answer so he is  
11 interrupting the witness.

12 MR. OSER:

13 Your Honor, I object to that statement.

14 MR. WILLIAM WEGMANN:

15 I think the witness has a right to answer,  
16 and if Mr. Oser wants to cross-examine  
17 him, he can cross-examine him.

18 THE COURT:

19 One thing I am going to rule is that the  
20 witness answer yes or no and then ex-  
21 plain it. The witness can't volunteer  
22 information every time he wants to  
23 volunteer information. That is one  
24 thing that should be clarified. From  
25 now on ask him to answer yes or no,



73  
D4/N5

73

1 and if he wishes to explain, then he  
2 can explain, but he cannot volunteer  
3 every time he wishes to volunteer. If  
4 he wants to make an explanation,  
5 certainly he can explain.

6 MR. WILLIAM WEGMANN:

7 But also I think, Your Honor, if we are  
8 going to follow the Court's ruling,  
9 I think Mr. Oser should make his ques-  
10 tions such that they are susceptible  
11 of a yes or no answer.

12 MR. OSER:

13 Read it back.

14 MR. WILLIAM WEGMANN:

15 In effect what he is doing is arguing with  
16 the witness.

17 THE COURT:

18 Let's clarify this. Ask the question again  
19 in a form that can be answered yes or  
20 no, and then if the witness wishes to  
21 explain, he may explain.

22 MR. OSER:

23 I wish to have it read back.

24 THE COURT:

25 No, sir. I am going to ask you to proceed.

74  
p4/N6

74

1 Rephrase your question and let it  
2 be answered.

3 BY MR. OSER:

4 Q Colonel, before I talked about the ink dot on  
5 Mr. Wegmann's shirt in the location that  
6 it is. I am asking you whether or not the  
7 ink dot on Mr. Wegmann's shirt is the  
8 same area -- if you carried that ink dot  
9 through and put it on his skin, would it  
10 be the area where you testified that you  
11 found the wound in President Kennedy's  
12 back of his neck?

13 THE WITNESS:

14 I would like to ask Mr. Wegmann to --

15 THE COURT:

16 Answer yes or no and then explain, Doctor.

17 The question is susceptible of a yes  
18 or no answer, but you may explain it.

19 MR. WILLIAM WEGMANN:

20 May I interject myself?

21 THE COURT:

22 Certainly.

23 MR. WEGMANN:

24 I think what he wants to do is see the  
25 shirt again. Isn't that what you

79  
D4/N7

7

1                   wanted, Doctor?

2                   (The witness nodded affirmatively.)

3           THE COURT:

4                   You may stand down if you wish to.

5                   (Whereupon, the witness left the  
6                   stand and proceeded to a position  
7                   close to Mr. William Wegmann.)

8       A       I would say this, in relation to the drawing,  
9                   the mark I have made on the shirt of  
10                  Mr. Wegmann is higher than the mark seen  
11                  on the drawing.

12       BY MR. OSER:

13       Q       Doctor, I don't think you quite understood my  
14                  question. My question was exclusively  
15                  tending toward Mr. Wegmann only right now,  
16                  the mark on Mr. Wegmann's shirt. Is the  
17                  mark that you placed on his shirt, if you  
18                  carried that mark through and put it on  
19                  his skin rather than on the shirt, would  
20                  that mark be in the same place that you  
21                  saw the wound you said you saw on direct  
22                  examination at the time of the autopsy?  
23                  That is all I am asking you.

24       A       (Resuming the stand) But the shirt is moving on  
25                  the skin.

76  
D4/N8

76

1 Q The general location then, Doctor, of where --

2 A The general location of the mark I have made  
3 on the shirt of Mr. Wegmann, the general  
4 location approximately corresponds to the  
5 location on the skin.

6 Q Can you tell me whether or not Mr. Wegmann is  
7 the same height as President Kennedy was?

8 THE WITNESS:

9 Can you stand up, Mr. Wegmann?

10 (Whereupon, Mr. Wegmann complied.)

11 A I think President Kennedy was taller.

12 BY MR. OSER:

13 Q I believe you said, Doctor, you measured from  
14 the tip of the mastoid bone behind the  
15 ear, down, is that correct, in one direc-  
16 tion?

17 A Well, you have to take several -- I measured a  
18 certain distance from the tip of the  
19 mastoid, and that certain distance was  
20 14 centimeters as I recall. Let me verify  
21 this -- (referring to document) -- 14  
22 centimeters from the right mastoid process,  
23 which is (using ruler) approximately five  
24 and a half inches.

25 Q Now, the measurements, Doctor, that you placed

27  
D4/N9

77

1 on Mr. Wegmann when Mr. Wegmann was  
2 standing erect and facing this way, if  
3 Mr. Wegmann had turned his head either to  
4 the left or to the right, would this change  
5 the position of the mastoid bone in re-  
6 lation to that 13 or 14 centimeters measure-  
7 ment? Yes or no, Doctor, and then you  
8 can explain your answer.

9 A (Moving head) The movement of the head could  
10 have changed slightly the distance between  
11 the mastoid and the wound in the back of  
12 the neck.

13 Q (Exhibiting sketch to witness) Doctor, I show  
14 you what the State now marks for purposes  
15 of identification as "S-69," and I ask  
16 you whether or not you are familiar with  
17 what is depicted on this particular photo-  
18 graph, referring you to the previous de-  
19 fense Exhibit D-27.

20 MR. OSER:

21 May I have D-27 for the Doctor to compare  
22 it?

23 (Exhibit handed to the witness.)

24 A Yes, it is.

25 Q May I correct it by saying the upper half of

18  
D4/N10

78

1 Defense Exhibit D-27?

2 A Yes, that it is.

3 MR. OSER:

4 At this time, Your Honor, I offer, intro-  
5 duce and file into evidence the ex-  
6 hibit marked "S-69" for purposes of  
7 identification.

8 MR. DYMOND:

9 No objection.

10 THE COURT:

11 It is part of the same exhibit as what?

12 MR. DYMOND:

13 D-27.

14 MR. OSER:

15 The upper half of D-27.

16 (Whereupon, the sketch offered  
17 by Counsel was duly marked for  
18 identification as "S-69" and  
19 received in evidence.)

20 BY MR. OSER:

21 Q (Exhibiting sketch to witness) Doctor, I now  
22 show you what the State marks for pur-  
23 poses of identification "S-70," and I ask  
24 you if you are familiar with what is de-  
25 picted in this particular exhibit?

1 A Yes, I am.

2 Q Except, as before, being the same as D-29.

3 A please show me D-29.

4 THE COURT:

5 Show the witness.

6 (Exhibit handed to witness.)

7 A It is.

8 MR. OSER:

9 The State wishes to offer, introduce  
10 and file in evidence the exhibit  
11 which is marked "S-70" for purposes  
12 of identification.

13 MR. DYMOND:

14 No objection.

15 THE COURT:

16 Let it be received.

17 (Whereupon, the sketch offered  
18 by Counsel was duly marked for  
19 identification as "Exhibit S-70"  
20 and received in evidence.)

21 MR. OSER:

22 May I put it on the board, Your Honor?

23 THE COURT:

24 You may.

25 BY MR. OSER:

D4/N12

80

1 Q Doctor, referring to State Exhibits 69 and 70  
2 on the large board over there, equivalent  
3 to Defense 27 and Defense 29, could you  
4 tell us who made those drawings?

5 A As far as I know, they were made at the time  
6 of the preparation of our testimony before  
7 the Warren Commission in March, 1964.  
8 They were made under the direction of  
9 Dr. Humes at Bethesda Hospital, in a short  
10 period of time, as I recall approximately  
11 two days, under the supervision of Dr.  
12 Humes. As I recall, the name of the Navy  
13 enlisted man who did those was Rydberg,  
14 R-y-d-b-e-r-g, but this is subject to  
15 verification.

16 Q Now, Colonel, can you tell me whether or not  
17 the person that drew these two diagrams,  
18 or the illustrator, had any of the photo-  
19 graphs or X-rays of President Kennedy  
20 available to him?

21  
22 NO HIATUS HERE.  
23  
24  
25



Ph  
D6/1

81

1 THE COURT:

2 He would only be able to answer that,  
3 Mr. Oser, if he knows of his own  
4 personal knowledge.

5 MR. OSER:

6 I asked him if he knows, Your Honor.

7 THE COURT:

8 All right.

9 THE WITNESS:

10 To my knowledge, this Navy enlisted man  
11 did not have the photographs or X-rays  
12 available to him. Likewise they were  
13 not available to us in March 1964...

14 BY MR. OSER:

15 Q Now, Doctor, referring to State Exhibit 68,  
16 the descriptive sheet, am I correct in  
17 stating that the information placed on the  
18 descriptive sheet, State-68, was placed  
19 there by a qualified pathologist, either  
20 Dr. Humes or Dr. Boswell?

21 MR. DYMOND:

22 Your Honor, I think the witness already  
23 testified he did not see it made and  
24 does not know who made it.

25 MR. OSER:

D6/2

82

1 Your Honor, if The Court please, may the  
2 State be heard? The Colonel said  
3 that it was made either by Dr. Humes  
4 or Dr. Boswell at the time of the  
5 autopsy, and the Colonel on the wit-  
6 ness stand said he was one of the  
7 co-authors of the autopsy report, and  
8 I am asking him if a qualified  
9 pathologist, either Dr. Boswell or  
10 Dr. Humes, made the entries that  
11 appear on the descriptive sheet  
12 attached and concerning the autopsy  
13 of President Kennedy.

14 MR. DYMOND:

15 If The Court please, I think the relevant  
16 question is whether Dr. Finck saw  
17 these drawings made. If he did, then  
18 he can testify who made them.

19 THE COURT:

20 I don't think that is the legal point. I  
21 think the legal point is whether or  
22 not Dr. Finck recognizes the autopsy  
23 descriptive figures on there, and if  
24 he has his notes, he can compare his  
25 notes with the exhibit to see if

D6/3

83

1 there are any differences. If there  
2 are not any differences, then he can  
3 confirm or deny whether it was a  
4 true report of what should have been  
5 made at that time.

6 MR. DYMOND:

7 Your Honor, that wasn't the question  
8 though. The question was whether  
9 State-68 had been made by a qualified  
10 pathologist.

11 THE COURT:

12 It has already been offered and accepted  
13 in evidence.

14 MR. DYMOND:

15 I understand that, but unless the Doctor  
16 was there when it was made, how can  
17 he know who made it and whether the  
18 man was qualified?

19 MR. OSER:

20 It is part of the report, if Your Honor  
21 please, which has been signed.

22 THE COURT:

23 Let's see. Ask your question again,  
24 Mr. Oser, and I will see if we  
25 understand what is before us.

D6/4

84

1 BY MR. OSER:

2 Q Doctor, from State Exhibit 68, the descriptive  
3 sheet on the autopsy of President Kennedy  
4 as it appears before you, can you tell us  
5 whether or not the entries made on that  
6 particular descriptive sheet were done so  
7 by a qualified pathologist?

8 MR. DYMOND:

9 Now that is what I object to.

10 THE COURT:

11 Unless he saw it being done, Mr. Oser,  
12 he can't answer that.

13 MR. OSER:

14 Your Honor --

15 THE COURT:

16 May I ask you, sir, to change the question.

17 Ask if it is incorrect or correct.

18 Then he can answer it.

19 MR. OSER:

20 Your Honor, may I have an answer to my  
21 question?

22 THE COURT:

23 I will sustain Mr. Dymond's objection.

24 Unless he saw somebody make it, he  
25 cannot testify to it, but he can

D6/5

testify to the contents, if he has  
knowledge, from his notes.

BY MR. OSER:

Q Doctor, did such a descriptive sheet make up  
part of your autopsy report on  
President Kennedy that you signed with  
Commander Humes and Commander Boswell?

A I have here a copy of the report I signed.

Q Would you like to peruse it? If so, go ahead.

A (Referring to document) I have with me Xerox  
copies from Volume XVI of the Warren  
Commission Hearings, page 978, 979,  
through page 983, and these are the pages  
of the autopsy report I signed. As I  
recall, this is part of the exhibits, and  
I don't recall the place of this, the page  
of it. I don't see this drawing between  
page 978 and 983 of the autopsy report I  
signed. Of course I couldn't take copies  
of all the hearings with me.

MR. OSER:

Your Honor, may I have a short delay while  
I send for that particular volume  
that the Doctor referred to? It  
won't take two minutes to get it.

D6/6

86

1 THE COURT:

2 Well, where is it -- in the District  
3 Attorney's Office?

4 MR. OSER:

5 Yes, sir.

6 THE COURT:

7 Well, if you are going to pursue that,  
8 we won't have time to go into it  
9 before the recess. It is four minutes  
10 to 12:00.

11 MR. OSER:

12 Your Honor --

13 THE COURT:

14 I think this would be a convenient time  
15 to recess for lunch. Then you can  
16 send and get your picture, and then  
17 at 1:30 when we come back you can  
18 pursue this line of questioning.

19 MR. OSER:

20 Your Honor, I only have one more question  
21 on this particular line, if you can  
22 allow it now.

23 THE COURT:

24 I would prefer -- You think you have one  
25 question. (LAUGHTER) It has been my

D6/7

87

1 experience when a lawyer says one  
2 question it generally lasts a half  
3 hour.

4 We are going to recess for lunch  
5 because it will give you an opportun-  
6 ity to get your picture and then to  
7 pursue this line.

8 Gentlemen, as I have consistent-  
9 ly, and will in the future, I must  
10 admonish you and instruct you not to  
11 discuss the case among yourselves or  
12 with any other person. That includes  
13 everybody, the Sheriffs, waiters,  
14 waitresses.

15 We will now adjourn for lunch,  
16 and I will ask the Sheriff to have  
17 you back here for 1:30.

18 (Whereupon, the Jury was excused.)

19 THE COURT:

20 Do you wish these exhibits to remain in  
21 the same position until we come back  
22 from lunch?

23 MR. OSER:

24 Yes, Your Honor.

25 THE COURT:

D6/8

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Ask the spectators to be careful not to  
knock these exhibits down leaving  
the courtroom.

Mr. Shaw, you are released  
under your same bond, and, Dr. Finck,  
I will ask you to report back to be  
on the stand at 1:30.

We will be adjourned until  
1:30.

. . . . Thereupon, at 11:58 o'clock  
a.m., a recess was taken until 1:30  
o'clock p.m. . . . .

88

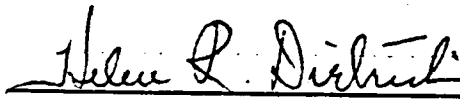


C E R T I F I C A T E

I, the undersigned, Helen R. Dietrich, do hereby  
certify:

That the above and foregoing (88 pages of  
typewritten matter) is a true and correct transcription  
of the stenographic notes of the proceedings had herein,  
the same having been taken down by Paul W. Williams and  
the undersigned, and transcribed under our supervision,  
on the day and date hereinbefore noted, before the Criminal  
District Court for the Parish of Orleans, State of  
Louisiana, in the matter of the State of Louisiana vs.  
Clay L. Shaw, 198-059 1426 (30) Section C on the 24th day  
of February, 1969, before the Honorable Edward A. Haggerty,  
Jr., Judge, Section "C", being the testimony of Pierre A.  
Finck, M.D.

New Orleans, Louisiana, this 24th day of February,  
1969.

  
HELEN R. DIETRICH,  
REPORTER

2036

90

CRIMINAL DISTRICT COURT  
PARISH OF ORLEANS  
STATE OF LOUISIANA

. . . . .  
STATE OF LOUISIANA . 198-059  
vs. . 1426(30)  
CLAY L. SHAW . SECTION "C"  
. . . . .

PROCEEDINGS IN OPEN COURT,  
Monday, February 24, 1969

VOLUME II

B E F O R E :

THE HONORABLE EDWARD A. HAGGERTY, JR.,  
JUDGE, SECTION "C"

Dietrich & Pickett, Inc.  
*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130 - 522-3111

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I N D E X

WITNESS                      DIRECT              CROSS              REDIRECT RECROSS

PIERRE A. FINCK, M.D.                      91

E X H I B I T S

NUMBER                      IDENTIFIED                      OFFERED                      RECEIVED

S-71                      97

PIERRE A. FINCK, M.D.,  
having been previously sworn, resumed the stand  
for a continuation of

CROSS-EXAMINATION

THE COURT:

Let it be noted the Jury has returned  
from lunch. The Defendant is  
present and Counsel for both sides  
are present.

Is the State and is the Defense ready to  
proceed?

MR. DYMOND:

We are ready, Your Honor.

MR. OSER:

The State is ready, Your Honor.

THE COURT:

You may proceed.

BY MR. OSER:

Q Doctor, at the time of the autopsy, were  
either you or any one of your two  
assistants, if I may call them that,  
Commander Humes and Commander Boswell,  
making any notes of what was going on and  
what you all were doing, that you can re-

1 call?

2 A I don't recall making notes at the time of  
3 the autopsy. As I recall, Dr. Boswell  
4 was making those notes.

5 Q Can you tell me how the final draft of the  
6 autopsy report which you signed along  
7 with Commander Humes and Commander Boswell  
8 came about? How was that put together?

9 A We signed that autopsy report, as I remember,  
10 on Sunday, the 24th of November, 1963,  
11 in the office of Admiral Galloway, who was  
12 one of the Admirals in charge of the Navy  
13 hospital. I had reviewed with Dr. Humes  
14 his draft of the autopsy report prior to  
15 that time, and, as I recall, the three of  
16 us, that is Humes, Boswell and myself,  
17 were present at that time in the office  
18 of Admiral Galloway on that Sunday, to the  
19 best of my recollection.

20 Q Doctor, I show you from Volume 17, Page 30  
21 through Page 47, and ask you if you would  
22 view the contents of those pages.

23 A Yes, sir. This is Volume 17 of the hearings  
24 before the President's Commission on the  
25 assassination of President Kennedy. I

1 don't recall seeing pages 30 through 44.  
2 What Dr. Humes and I did, we were dis-  
3 cussing the wording of the final autopsy  
4 report based on a report he had prepared  
5 through the night, I should say through  
6 Saturday, in the course of Saturday, the  
7 23rd of November, and he worked on this,  
8 and he read over to me what he had pre-  
9 pared. Is Page 45 included in your  
10 question?

11 Q Yes, sir, 45 through 47.

12 A On Page 45 I recognize the drawing which I  
13 see now in the room, and which is labelled  
14 in this volume Commission Exhibit 397.  
15 I don't recall the timing of seeing this.  
16 I have seen this at some time. I don't  
17 recall exactly when.

18 Q The exhibit you are talking about right now,  
19 Doctor, Exhibit 397, is this the same  
20 exhibit you are talking about reproduced  
21 here in State 68, as best you can recall,  
22 Doctor?

23 A As best as I can tell, page 45 of this volume  
24 is a reproduction of the exhibit shown in  
25 the courtroom as 68, except that at the

1 bottom it doesn't say "Commission  
2 Exhibit 397." I remember that these  
3 drawings had been made, and you realize  
4 now I am referring to Page 45.

5 Q Which is the same thing as Exhibit 68, is that  
6 right?

7 A Yes, sir, it is. You will realize the drawings  
8 are made ahead of time on work sheets to  
9 be used at the time of the autopsy, and  
10 that wounds are added to these schematic  
11 representations of the front and back of  
12 a human body. I know this was involved  
13 in the discussions, in the testimony, but  
14 I can't give you any timing. As I recall,  
15 Dr. Boswell did those and discussed them  
16 but I can't recall exactly when I saw them.

17 Q In other words, when an autopsy descriptive  
18 list or sheet is used at an autopsy, it  
19 is either used at the time of an autopsy  
20 or shortly thereafter as a work sheet  
21 somewhere in the autopsy room, is that  
22 right, Doctor?

23 A If State 68 is an autopsy work sheet -- well,  
24 when it was done by Dr. Boswell I don't  
25 know.

1 Q In referring to State Exhibit 69 and 70,  
2 Doctor, these two exhibits were not done  
3 then until sometime in March of 1964,  
4 is that correct, Doctor?

5 A I wouldn't know the exact date. The first  
6 time as I recall that I saw these ex-  
7 hibits was in March, 1964, to the best  
8 of my recollection.

9 Q But you do know, Doctor, you can testify that  
10 the photographs and X-rays were not availa-  
11 ble, to the best of your knowledge, to  
12 the illustrator of these exhibits as they  
13 were not available to you in March, 1964?

14 A To the best of my knowledge the X-rays and  
15 photographs were not available to the  
16 illustrator. I know for sure that they  
17 were not available to me, the X-rays and  
18 the photographs.

19 Q Can you tell me, Doctor, whether or not the  
20 illustrator was present at the autopsy  
21 when President Kennedy's body was availa-  
22 ble for viewing in order for him to make  
23 these illustrations?

24 A I don't know.

25 Q Do you recall seeing him there or anyone held



1 out to be the illustrator at the autopsy?

2 A I don't remember.

3 Q Doctor, did you make any types of notes at all

4 at the time of the autopsy yourself?

5 A I may have written down measurements.

6 Q Do you still have those measurements?

7 A No. When I walked out of that autopsy room

8 I didn't have notes with me, to the best

9 of my recollection. I remember taking

10 measurements and giving them to Dr. Humes

11 and Dr. Boswell.

12 Q Do you know whether Commander Boswell made

13 any particular notes at the time of the

14 autopsy?

15 A As I recall I saw Dr. Boswell taking notes. I

16 saw both Dr. Humes and Dr. Boswell taking

17 notes at the time of the autopsy, to the

18 best of my recollection.

19 Q Would your answer be the same with regard to

20 Commander Humes with regard to making

21 notes at the time of the autopsy as it

22 was with Dr. Boswell? Did he also make

23 notes?

24 A As I remember, both of them made notes during

25 the autopsy.

1 Q Were you present, Colonel, when Dr. Humes  
2 burned his original notes?

3 A I was not.

4 Q Doctor, the report that I showed you before --

5 A I have it here.

6 Q Are you in agreement with all the allegations  
7 and statements and the contents of this  
8 particular exhibit? Is there anything  
9 in there that you would change at this  
10 time?

11 A I don't think so.

12 Q Doctor, I now show you what the State marks  
13 as "S-71" for the purpose of identifica-  
14 tion, and ask you if you would view this  
15 exhibit and tell the Court whether or not  
16 you recognize this exhibit, and, if so,  
17 how can you recognize it?

18 A I recognize here Exhibit S-71 consisting of  
19 Pages 978 through 983 as being six pages  
20 of the autopsy report we signed in  
21 November, 1963.

22 Q Doctor, this is the autopsy report you have  
23 been referring to that you co-authored  
24 with Commander Boswell and Commander Humes,  
25 is that correct?

1 A Yes.

2 Q When was the first time you saw the Zapruder  
3 film, Doctor?

4 A As I recall, it was in March, 1964, when I re-  
5 turned from Panama and was told I had to  
6 testify before the Warren Commission.

7 Q So at the time you signed and co-authored  
8 the autopsy report, which has been marked  
9 as S-71 for identification, you had not,  
10 as of that time, seen the Zapruder film,  
11 is that correct?

12 A I had not.

13 Q Doctor, are you familiar in this particular  
14 report, S-71, which you co-authored with  
15 Commanders Humes and Boswell, with all  
16 the evidence upon which the report was  
17 based?

18 A Please repeat your question.

19 Q Are you familiar with all of the evidence upon  
20 which this report was based?

21 A In the general sense, yes.

22 Q Doctor, I call your attention to Page 2, under  
23 the heading of "Clinical Summary," and  
24 ask you to tell me the basis for your  
25 statement as part of your clinical

1 summary that three shots were heard.

2 A Where do you see that, that three shots were  
3 heard?

4 Q The first sentence in the second paragraph on  
5 Page 2, the first four words.

6 A This is the information we had by the time we  
7 signed that autopsy report.

8 Q The information from whom, Doctor?

9 A There were a lot of people who were asked, I  
10 wouldn't know their names. I couldn't  
11 list all the people by name.

12 Q Who told you that three shots were heard? Who  
13 told you that?

14 A As I recall, Admiral Galloway heard from  
15 somebody who was present at the scene  
16 that three shots had been heard, but I  
17 cannot give the details of this.

18 Q I ask you, did you have an occasion to inter-  
19 view any of the witnesses that were present  
20 in Dealey Plaza on November 22, 1963, you  
21 yourself, before you wrote this?

22 A During the autopsy of President Kennedy there  
23 were Secret Service Agent Kellerman in  
24 that autopsy room. I asked him his name.  
25 Admiral Berkeley, the personal physician

1 of President Kennedy was present, and  
2 there was a third person whose name I  
3 don't recall who said to Admiral Galloway,  
4 who was there during the autopsy, that  
5 three shots had been fired. At the time  
6 we wrote this we had this information  
7 obtained from people who had been at the  
8 scene to the best of my recollection.

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13 NO HIATUS HERE.  
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1 Q Did you have any information available,  
2 Doctor, from people at the scene who  
3 heard four shots?

4 A From the assassination on I heard conflicting  
5 reports regarding the number of shots.

6 Q I am talking about at the time you all prepared  
7 and signed this report, Doctor, before  
8 you affixed your signature to this, did  
9 you talk to anyone or have any reports  
10 available from people who heard four  
11 shots at Dealey Plaza on November 22?

12 A I don't remember any.

13 Q Did you have any statements or reports availa-  
14 ble to you from people who heard two shots  
15 in Dealey Plaza on November 22 at the time  
16 you made this report?

17 A At the time I made the report I don't recall  
18 having a report of two shots.

19 Q Going further, Doctor, in your autopsy report,  
20 it states, "Governor Connally was seriously  
21 wounded by this same gunfire." From  
22 where did you receive this information?

23 A I knew it at the time of the autopsy because of  
24 the news media who reported the President  
25 had been shot and the Governor of Texas

1 had been wounded, as I recall.

2 Q What did you mean, that Governor Connally was  
3 seriously wounded by the same gunfire?  
4 What did you mean when you said the same  
5 gunfire?

6 A This is the information we had at the time of  
7 the autopsy -- correction, at the time we  
8 signed the autopsy report, and because  
9 the information in the autopsy report  
10 may be obtained after the autopsy, and  
11 again I can't pinpoint the source of that  
12 information.

13 Q Doctor, I now show you State Exhibit 64, and  
14 ask you if you recognize what is depicted  
15 in this particular photograph, as being  
16 similar to something you have seen before  
17 during the investigation of the assassina-  
18 tion of President Kennedy?

19 A This black-and-white reproduction is similar  
20 to a bullet that, as best I can remember,  
21 I saw for the first time in March, 1964.

22 Q Doctor, speaking of your statement in the  
23 autopsy report that Governor Connally was  
24 seriously wounded by the same gunfire,  
25 is it not a fact that when testifying be-

1 fore the Warren Commission you stated  
2 that in your opinion it was impossible  
3 for Commission Exhibit 399 to do the same  
4 damage to President Kennedy as was done  
5 to Governor Connally because there were  
6 too many fragments in Governor Connally's  
7 wrist? Did you not so testify, sir?

8 MR. DYMOND:

9 I object to that question. Nobody has  
10 stated the same damage was done to  
11 Governor Connally as was done to  
12 President Kennedy, and that is what  
13 this question asks.

14 THE COURT:

15 I think the question was put to the  
16 Doctor, did he not make a prior  
17 contradictory statement, which is  
18 legitimate cross-examination.

19 Let the question be read back.

20 (Whereupon, the pending question  
21 was read back by the Reporter.)

22 THE COURT:

23 I am permitting the question. I overrule  
24 your objection.

25 BY MR. OSER:



1 Q Will you answer yes or no, Doctor, then you  
2 can explain.

3 A This is a difficult question to answer because  
4 there were two bullets striking President  
5 Kennedy. I have examined the wounds of  
6 President Kennedy and I would say that  
7 the bullet seen here is an entire bullet.

8 Q Is what?

9 A Is an entire bullet. By an entire bullet, I  
10 mean a bullet that did not disintegrate  
11 into many fragments.

12 Q Let me ask you about that in this way --

13 THE COURT:

14 Let him finish his answer.

15 MR. OSER:

16 I thought he had finished.

17 THE COURT:

18 Had you finished your answer?

19 THE WITNESS:

20 Yes, sir.

21 BY MR. OSER:

22 Q Colonel, let me ask you this way: Speaking  
23 of State Exhibit 64, the bullet, I ask  
24 you whether or not you testified in front  
25 of the Warren Commission that that

1 particular bullet could not have done  
2 the damage to Governor Connally as there  
3 were too many bullet fragments in  
4 Governor Connally's wrist. Did you or  
5 did you not answer that in front of  
6 the Warren Commission in answer to a  
7 question by Mr. Specter? It appears on  
8 Page 382 of your testimony of the Warren  
9 Report about the middle of the page.

10 A It reads as follows: "Could that bullet possi-  
11 bly have gone through President Kennedy  
12 in 388," Mr. Specter's question. "Through  
13 President Kennedy's head --" what is 388?

14 MR. WILLIAM WEGMANN:

15 The one on the right.

16 A (Continuing) "and remain intact in the way you  
17 see it now?" "Definitely not." "And  
18 could it have been the bullet which in-  
19 flicted the wound on Governor Connally's  
20 right wrist?" "No, for the reason there  
21 are too many fragments described in that  
22 wrist."

23 MR. OSER:

24 Thank you, Doctor, that is the point I  
25 am talking about.

1 BY MR. OSER:

2 Q Now, referring back to that same paragraph  
3 in the clinical summary, in the next  
4 sentence you said, "According to news-  
5 paper reports (Washington Post November 23,  
6 1963) Bob Jackson, a Dallas 'Times Herald'  
7 photographer, said he looked around as  
8 he heard the shots and saw a rifle barrel  
9 disappearing into a window on an upper  
10 floor of the nearby Texas School Book  
11 Depository Building." Can you tell me  
12 who called that particular newspaper arti-  
13 cle to your attention?

14 A Are you referring to Page 979 of the Hearing?

15 Q No, sir, I am back on your original autopsy  
16 report, Page 2.

17 A I have it.

18 Q The sentence right after you said that Governor  
19 Connally was wounded by the same gunfire.

20 A What was that sentence?

21 Q Right after "gunfire."

22 A "Governor Connally was seriously wounded by  
23 the same gunfire." This is part of the  
24 autopsy report I signed.

25 Q Can you tell me who called that particular

1 newspaper article to your attention,  
2 and why?

3 A As I recall, it was Dr. Humes who mentioned  
4 this article to me.

5 Q Colonel, do you customarily take notice of  
6 newspaper articles in an autopsy report?

7 A At times it is done.

8 Q Therefore, Doctor, am I correct in stating  
9 that particular autopsy report signed by  
10 you was based partially on hearsay evi-  
11 dence, is that correct? By that I mean  
12 evidence received by someone other than  
13 you having actual personal knowledge of  
14 the thing?

15 A Having not been at the scene I had to get  
16 information from somebody else.

17 Q Did you have occasion to read a newspaper  
18 article of November 22 or 23, which re-  
19 ported there were four to six shots fired  
20 and they came from the grassy knoll, being  
21 stated by Miss Jean Hill? Did you read  
22 that before you made your report?

23 A I don't recall reading that before I made the  
24 report. I may have been aware at that  
25 time of conflicting reports as regards the

1 number and the difference in the direc-  
2 tion of the shots, but I cannot pinpoint  
3 the time.

4 Q Since you are referring to the Washington  
5 Post --

6 A Would you repeat that?

7 THE COURT:

8 Mr. Oser, speak into the microphone, it  
9 may help a little bit.

10 BY MR. OSER:

11 Q Since you are dealing with the Washington Post  
12 article of November 23, 1963 in your  
13 autopsy report, I wondered if you had  
14 an occasion to either read the article  
15 or have it brought to your attention, that  
16 one Charles Brehm, one of the spectators  
17 close to the Presidential limousine, saw  
18 material which appeared to be a sizeable  
19 portion of President Kennedy's skull --

20 MR. DYMOND:

21 Objection, that is not in evidence.

22 THE COURT:

23 This is not a prior contradictory state-  
24 ment, Mr. Oser, is it?

25 MR. OSER:

1 I am asking if he took this into account  
2 when he --

3 THE COURT:

4 Where are you reading from?

5 MR. OSER:

6 An article taken out of the Washington  
7 Post on the same day as the article  
8 by Bob Jackson.

9 MR. DYMOND:

10 Your Honor, that has no place in this  
11 trial at all.

12 THE COURT:

13 Mr. Oser, I think you are enlarging the  
14 scope of the prior contradictory  
15 statement unless you can allege it  
16 was made in the report.

17 MR. OSER:

18 I am trying to ascertain what hearsay  
19 they used to arrive at their report.

20 MR. DYMOND:

21 If you permit that you will have to permit  
22 Counsel to go through every conflict-  
23 ing report that was reported by every  
24 alleged eyewitness to the assassina-  
25 tion and ask this witness whether

1 they were taken into account. It 11  
2 certainly has no place in this trial  
3 and is completely irrelevant to the  
4 issues and irrelevant to the credibili-  
5 ty and qualifications of the Doctor  
6 and irrelevant to the material on  
7 which he is testifying.

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12 NO HIATUS HERE.  
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1 THE COURT:

2 I believe that the witness did state a  
3 few moments ago that he was not there  
4 personally and they did have to ac-  
5 cept what Mr. Oser termed as hearsay.  
6 I believe the question being put by  
7 the District Attorney is to find out  
8 what other hearsay evidence they  
9 received.

10 MR. OSER:

11 That's right.

12 THE COURT:

13 Can't you ask a specific question instead  
14 of reading the article?

15 MR. DYMOND:

16 The thrust of my objection is that we have  
17 nothing before The Court to show this  
18 was even a bit of hearsay without  
19 even asking the Doctor whether he  
20 heard it. This is something that is  
21 purely out of the files of the  
22 District Attorney.

23 MR. OSER:

24 Your Honor, the State is attempting to  
25 ascertain from the Colonel whether or



1 not he based his conclusions or his  
2 autopsy report on any type of hearsay  
3 other than that type of hearsay that  
4 backed up what the Warren Commission  
5 wanted it to be, or the Federal  
6 Government. Strike Warren Commission  
7 and make it Federal Government.

8 MR. DYMOND:

9 Your Honor, what I'm trying to impress on  
10 The Court is you have nothing before  
11 you to even show there is hearsay  
12 evidence to the effect of this state-  
13 ment that has been made by the District  
14 Attorney. That is completely outside  
15 the scope of the evidence in this case.  
16 We don't know any such contention was  
17 ever made by anybody.

18 THE COURT:

19 If the witness signed part of a three-man  
20 report and you referred to the report  
21 without using exact words, I would  
22 permit it, which you did previously.  
23 I think a general question can be  
24 asked, did they interview any other  
25 person, without saying what those

persons said.

BY MR. OSER:

Q Colonel, besides what you referred to in paragraph 2 of the report, were you furnished with any other alleged statements by any of the witnesses in Dealey Plaza, namely the witnesses to the assassination of President Kennedy on November 22?

MR. DYMOND:

Is this question restricted to before he signed the autopsy report?

MR. OSER:

I am asking about at the time he signed the report.

THE COURT:

It is restricted to that period.

BY MR. OSER:

Q Were you furnished statements by anyone else?

A We based the statement on the people who had been at the scene.

THE COURT:

Let me interrupt you a second. You say "we," I presume you mean you and the other two doctors?

1 THE WITNESS:

2 Yes, sir.

3 THE COURT:

4 Mr. Oser's question is, did you and the  
5 other two persons personally inter-  
6 view these people or get it from  
7 another source?

8 THE WITNESS:

9 I personally talked to Secret Service  
10 Agent Kellerman. I personally talked  
11 to Admiral Berkley, the personal  
12 physician to President Kennedy. I  
13 personally talked to Admiral Galloway,  
14 who was referring to a third witness  
15 present at the scene. There may have  
16 been others leading us to the state-  
17 ment that to the best of our knowledge  
18 at that time there were three shots  
19 fired.

20 BY MR. OSER:

21 Q Doctor, speaking of the wound to the throat  
22 area of the President as you described it,  
23 after this bullet passed through the  
24 President's throat in the manner in which  
25 you described it, would the President have

1                   been able to talk?

2       A       I don't know.

3       Q       Do you have an opinion?

4       A       There are many factors influencing the ability  
5                   to talk or not to talk after a shot.

6       Q       Did you have an occasion to dissect the track  
7                   of that particular bullet in the victim as  
8                   it lay on the autopsy table?

9       A       I did not dissect the track in the neck.

10      Q       Why?

11      A       This leads us into the disclosure of medical  
12                   records.

13      MR. OSER:

14                   Your Honor, I would like an answer from the  
15                   Colonel and I would ask The Court so  
16                   to direct.

17      THE COURT:

18                   That is correct, you should answer, Doctor.

19      THE WITNESS:

20                   We didn't remove the organs of the neck.

21      BY MR. OSER:

22      Q       Why not, Doctor?

23      A       For the reason that we were told to examine the  
24                   head wounds and that the --

25      Q       Are you saying someone told you not to dissect

the track?

THE COURT:

Let him finish his answer.

THE WITNESS:

I was told that the family wanted an examination of the head, as I recall, the head and chest, but the prosecutors in this autopsy didn't remove the organs of the neck, to my recollection.

BY MR. OSER:

Q You have said they did not, I want to know why didn't you as an autopsy pathologist attempt to ascertain the track through the body which you had on the autopsy table in trying to ascertain the cause or causes of death? Why?

A I had the cause of death.

Q Why did you not trace the track of the wound?

A As I recall I didn't remove these organs from the neck.

Q I didn't hear you.

A I examined the wounds but I didn't remove the organs of the neck.

Q You said you didn't do this; I am asking you why

1 didn't do this as a pathologist?

2 A From what I recall I looked at the trachea,  
3 there was a tracheotomy wound the best I  
4 can remember, but I didn't dissect or  
5 remove these organs.

6 MR. OSER:

7 Your Honor, I would ask Your Honor to  
8 direct the witness to answer my  
9 question.

10 BY MR. OSER:

11 Q I will ask you the question one more time:  
12 Why did you not dissect the track of the  
13 bullet wound that you have described today  
14 and you saw at the time of the autopsy at  
15 the time you examined the body? Why? I  
16 ask you to answer that question.

17 A As I recall I was told not to, but I don't  
18 remember by whom.

19 Q You were told not to but you don't remember by  
20 whom?

21 A Right.

22 Q Could it have been one of the Admirals or one  
23 of the Generals in the room?

24 A I don't recall.

25 Q Do you have any particular reason why you cannot

recall at this time?

A Because we were told to examine the head and the chest cavity, and that doesn't include the removal of the organs of the neck.

Q You are one of the three autopsy specialists and pathologists at the time, and you saw what you described as an entrance wound in the neck area of the President of the United States who had just been assassinated, and you were only interested in the other wound but not interested in the track through his neck, is that what you are telling me?

A I was interested in the track and I had observed the conditions of bruising between the point of entry in the back of the neck and the point of exit at the front of the neck, which is entirely compatible with the bullet path.

Q But you were told not to go into the area of the neck, is that your testimony?

A From what I recall, yes, but I don't remember by whom.

Q Did you attempt to probe this wound in the back of the neck?

1 A I did.

2 Q With what?

3 A With an autopsy room probe, and I did not succeed  
4 in probing from the entry in the back of  
5 the neck in any direction and I can explain  
6 this. This was due to the contraction of  
7 muscles preventing the passage of an instrument,  
8 and if I had forced the probe through the  
9 neck I may have created a false passage.

10 Q Isn't this good enough reason to you as a  
11 pathologist to go further and dissect this  
12 area in an attempt to ascertain whether or  
13 not there is a passageway here as a result of  
14 a bullet?

15 A I did not consider a dissection of the path.

16 Q How far did the probe go into the back of the  
17 neck?

18 A Repeat the question.

19 Q How far did the probe go into this wound?

20 A I couldn't introduce this probe for any extended  
21 depth. I tried and I can give explanations  
22 why. At times you cannot probe a path,  
23 this is because of the contraction of  
24 muscles and different layers.

25



1 It is not like a pipe, like a channel.  
2 It may be extremely difficult to probe  
3 a wound through muscle.

4 Q Can you give me approximately how far in this  
5 probe went?

6 A The first fraction of an inch.

7 Q If you had dissected this area, Doctor,  
8 wouldn't you have been able to ascertain  
9 what the track was, as you have described  
10 in this courtroom, without dissecting it?

11 A I don't know.

12 Q You don't know?

13 A I don't know. Wounds are different in one  
14 case from another, and I did not dissect -

15 Q Let me ask you this, Doctor: Let me ask you  
16 whether or not in dealing with this  
17 particular back of the neck wound, as you  
18 describe it, whether you dissected the  
19 skin area, took a cross-section of the  
20 skin, submitted that to microscopic  
21 examination, to ascertain whether or not  
22 there was any singed area or burnt area  
23 as a result of a high speed bullet pass-  
24 ing through the skin? Did you or did you  
25 not do that?

1 A I remember removing skin at the entry at the  
2 back of the neck, or I was present when  
3 this was done, and microscopic examination  
4 was made of this wound of entry.

5 Q Is the result of that microscopic examination  
6 in this autopsy report?

7 A No. I think it is part of the supplementary  
8 report where Dr. Humes describes the  
9 microscopic appearance of the wound  
10 of entry. I made a positive identifica-  
11 tion of entry in the back of the neck  
12 based on naked eye examination. I  
13 examined that very closely and it had the  
14 gross characteristics of the wound of  
15 entry.

16 Q Isn't it the more accepted pathological pro-  
17 cedure at an autopsy to submit a wound  
18 area such as this, or a cross-section of  
19 it, to microscopic examination to  
20 ascertain whether there is a scorch area  
21 or burn area of the skin to see if there  
22 was a high speed bullet passing through  
23 the skin?

24 MR. DYMOND:

25 I would ask Counsel to confine his

questions to one at the time.

THE COURT:

Break the question down, Mr. Oser.

BY MR. OSER:

Q Is it not better pathological practice to dissect a skin wound area and submit this cross-section to microscopic examination to determine whether or not there was any burn or singed area as a result of a high speed bullet passing through this area as opposed to a naked eye observation?

A The microscopic examination of a wound is a supplementary examination which I have done many times, but in this case the gross characteristics were sufficient to me to make a positive identification of a wound of entry in the back of the neck. I think I saw microscopic sections. I was in the office of Dr. Humes, but again I don't remember the time of the examination of these microscopic sections.

1 Q How about the results?

2 A I don't remember the timing of the results  
3 of the microscopic sections.

4 Q I am not asking you for the timing of the re-  
5 sults, I am asking you for the results,  
6 Colonel.

7 A From what I recall, Dr. Humes described  
8 alteration of the tissue at the level  
9 of the wound of entry. Do you have that  
10 supplementary report?

11 Q I don't have it, that is why I am asking you  
12 if you have your notes here.

13 A I don't have this microscopic report with me.

14 Q You didn't burn your notes also, did you?

15 A No.

16 Q Colonel, you said you remember Agent Kellerman  
17 being in the autopsy room. Do you re-  
18 member having a conversation with Agent  
19 Kellerman at the time you were examining  
20 this wound of the President, and talking  
21 about that particular wound you said to  
22 the Agent that there were no lanes for  
23 an outlet of the shoulder wound? Do you  
24 remember telling him that, sir?

25 A I remember stating that at the time I examined

1 the wound of entry in the back I didn't  
2 find an exit corresponding to this entry.  
3 I don't remember to whom it was, it may  
4 have been Mr. Kellerman, it may have been  
5 one of the two FBI Agents.

6 Q My question was, do you recall categorizing it  
7 as a shoulder wound as opposed to a neck  
8 wound to this person in the autopsy room?

9 A I don't recall mentioning a shoulder wound. I  
10 am referring to a wound in the neck, in  
11 the back of the neck, and a wound in the  
12 back of the head.

13 Q If I told you, Colonel, that Agent Kellerman  
14 in his testimony --

15 MR. DYMOND:

16 I object to this, Your Honor: "If I told  
17 you Agent Kellerman's testimony."

18 THE COURT:

19 You cannot ask one witness to decide the  
20 credibility of another witness. I  
21 think you will have to do it a  
22 different way. The objection is sus-  
23 tained.

24 BY MR. OSER:

25 Q Colonel, in talking about the wound in the back

of the President, can you tell me  
whether or not it hit any bone?

THE COURT:

Why don't you identify which wound you  
are talking about.

BY MR. OSER:

Q State Exhibit 69, this one right here. Can  
you tell me whether that hit any bone  
in his neck?

A From the X-rays it was determined that this  
bullet entering in the back of the neck,  
coming out in the front of the neck, did  
not strike major bones.

Q Did it strike any bones?

A There was no evidence of bone injury from the  
X-ray, and the X-ray is the basis to refer  
to to answer such a question.

Q Now, since I asked you before about whether or  
not President Kennedy could have spoken,  
what was your opinion as to whether or not  
he could have said any words after receiving  
the wound in his back as described and de-  
picted in S-69?

MR. DYMOND:

Your Honor, I think this is repetitious.

The Doctor has already testified --

1

MR. OSER:

Your Honor, what I am doing is --

THE COURT:

When one person makes an objection will  
the other person let him finish be-  
fore he starts speaking.

MR. DYMOND:

The Doctor has already testified he does  
not know whether the President could  
speak and there are many factors  
which would have to be considered.  
This is merely the same question.

MR. OSER:

I am asking for his opinion. He has not  
given me his opinion.

THE COURT:

I think, Mr. Dymond, that the State is  
going into another area, and because  
of that I will permit the question.

THE WITNESS:

To be able to talk you need integrity of  
the vocal folds or vocal cords, and  
I didn't see the vocal folds of  
President Kennedy.

1 BY MR. OSER:

2 Q Why didn't you?

3 A From what I remember I didn't -- well, from  
4 the best of my recollection the wound was  
5 outside of the vocal fold area.

6 Q Isn't it a fact, Doctor, at the time you were  
7 performing the autopsy, or assisting in  
8 performing the autopsy, you were of the  
9 opinion the wound in the back of the  
10 President was not a through-and-through  
11 gunshot wound?

12 A At the time of the autopsy on that night?

13 Q Right.

14 A Having a wound of entry and no wound of exit,  
15 and negative X-rays showing no bullets  
16 in the cadaver at that time, the time of  
17 the autopsy, I was puzzled by the fact  
18 of having an entry and no exit. However,  
19 this cleared up after the conversation  
20 between Dr. Humes and the surgeons at  
21 Dallas who stated that included a small  
22 wound in the front of the neck in their  
23 incision of tracheotomy to keep the  
24 breathing of the President up.

25 Q On the night of the 22nd of November you did



1                   have occasion to see the wound in the  
2                   area of the throat?

3       A       On the skin?

4       Q       Yes.

5       A       No, I examined the surgical incision, but I  
6                   don't recall seeing the small wound de-  
7                   scribed by the Dallas surgeons. It was  
8                   part of the surgical incision and I didn't  
9                   see it. .

10      Q       You saw the incision.

11      A       In the front of the neck, definitely.

12      Q       You were puzzled by what you found in the back,  
13                   is that right?

14      A       I was not puzzled by what I found in the back,  
15                   I was puzzled by having a definite entry  
16                   in the back, a bruise in the plural region,  
17                   that is the region of the cavity of the  
18                   chest, which was bruised, between the  
19                   entry in the back and the exit in the  
20                   front, and the three of us, the prosectors,  
21                   we saw that bruise, and the following day  
22                   knowing that a small wound had been seen  
23                   in the front of the neck that made very  
24                   much sense to me, an entry in the back, a  
25                   wound in the front and a bruise in between

1 due to the passage of that bullet. 1

2 Q On the night you had the President's body on  
3 the autopsy table, if you had dissected  
4 that particular area would you not have  
5 been able to ascertain it was a through-  
6 and-through gunshot wound?

7 A I could have, but it is a difficult question  
8 to answer for the reason you deal with  
9 many anatomical structures. Tissues are  
10 very tight, firm.

11 Q You were a pathologist on that night, were you  
12 not?

13 A Yes, I was, and still am.

14 Q How was the President's body on the autopsy  
15 table? Can you give me the position it  
16 was in, if you remember?

17 A He was on his back and I examined all external  
18 areas of the cadaver. While on the table  
19 I asked to have the cadaver turned over  
20 so as to make an examination of the skin  
21 of the entire cadaver.

22 Q What position was the body in, or cadaver in,  
23 when you measured from the mastoid tip  
24 and from the tip of the acromion in, was  
25 it on its face, forward or back at the

time?

A I remember taking the measurements but the exact position of the cadaver I don't recall for the reason we removed the cadaver to examine it. To take measurements it had to be held to take those measurements.

Q I will ask you, Colonel, if the cadaver had been lying on an autopsy table with its head facing to the right and the left side or its head on the table and you measured from the acromion down, from that position wouldn't the measurement be different than if the body had been lying on its right side with the mastoid turned more to the left? Wouldn't the measurements differ in a good number of centimeters?

A There would be some variation depending on the movement of the head. From what I recall we had the measurements made with the head turned in a generally forward direction.

Q You can't recall whether or not the President's body was on its back or stomach at the

1 time?

2 A No. The body was moved. It was not remaining  
3 in the same position all the time during  
4 the course of the autopsy.

5 Q Can you define rigor mortis for me?

6 THE COURT:

7 I cannot hear you, Mr. Oser.

8 BY MR. OSER:

9 Q Can you define rigor mortis for me?

10 A Rigor mortis, that is r-i-g-o-r, one word  
11 and m-o-r-t-i-s is a separate word,  
12 rigor mortis means literally stiffness  
13 of death in Latin. It is a normal process  
14 that occurs after death. The degree of  
15 rigor mortis, the time of onset of rigor  
16 mortis, varies from one case to the other.

17 Q In the case of President Kennedy in your  
18 autopsy report signed by you, can you tell  
19 me why the degree of rigor mortis or any  
20 mention of rigor mortis is not contained  
21 in this autopsy report?

22 A There is beginning rigor mortis on Page 2 of  
23 the autopsy report, and that is the only  
24 reference I find regarding rigor mortis.

25 Q My question now is, would varying degrees of

1 rigor mortis have anything to do with the  
2 measuring of wounds in the skin area of  
3 a particular body as opposed to when the  
4 body was alive?

5 A Rigor mortis may make measurements difficult  
6 because of the stiffness of certain  
7 anatomic structures and you have diffi-  
8 culties in measuring due to that resis-  
9 tance of the cadaver to movement.

10 Q Colonel, in speaking of State Exhibit 69, can  
11 you give me the angle of entry into the  
12 back of President Kennedy as depicted in  
13 the photograph, or as you saw it rather?

14 A Does Exhibit 69 show the right side of the  
15 head and right side of the upper chest  
16 with an arrow in the back of the neck and  
17 an arrow in the front of the back?

18 Q That is correct. I am pointing to it. This  
19 one here. What is this angle?

20 A This shows that the wound of entry in the back  
21 of the neck is higher than the wound of  
22 exit in the front of the neck.

23 Q Did you calculate what that angle was in de-  
24 grees?

25 A This can't be made with great precision because

of variables.

Q Did you calculate it, Colonel, was the question?

A I remember a figure which was somewhere in the records within 45 degrees.

NO HIATUS HERE.

1 Q Within 45 degrees?

2 A To give a general impression this may be much  
3 less. What I am saying is that it was  
4 not beyond 45 degrees in relation to the  
5 horizontal. It may be much less than  
6 that.

7 Q In referring to State Exhibit 68, and using  
8 the body form diagram in the right-hand  
9 side showing the back of an individual,  
10 if I were to draw a perpendicular line  
11 through the individual, through the mid-  
12 line, can you tell me, Doctor, what the  
13 lateral angle from right to left that this  
14 particular projectile took going through  
15 the neck as it described in S-69?

16 A Mr. Oser, you have shown the neck wound on one  
17 exhibit and the head wound on another.

18 Q I will restate my question. Taking this back  
19 view of an individual human, draw your  
20 line down the mid-line of this individual,  
21 can you tell me whether or not you all  
22 calculated the angle at which this bullet  
23 proceeded through this back wound area  
24 that you described in the neck, how much  
25 of an angle from right to left did this

bullet go in?

A Well --

MR. DYMOND:

If The Court please, we object to that on the ground it is a question which is impossible to answer. You couldn't have an angle between a perpendicular line and a line going in from above and behind. If you wanted to figure an angle on that you would have to have it passing between the path of the bullet and a line drawn through the center of the subject. That is the only way you can answer a question of that kind.

THE COURT:

I understand it. In other words, your horizontal line down from the head through the mid-line, a fictitious mid-line, would be the straight line. You have a horizontal line so you have a right angle, and you have to have an entrance and an exit. Unless he knows where the exit is he cannot



1 give an angle, and he hasn't testi-  
2 fied he knows where the exit was.

3 MR. OSER:

4 He testified it went out through the  
5 front.

6 THE COURT:

7 He didn't tell you what part of the front  
8 it came out.

9 MR. OSER:

10 His testimony was it exited where the  
11 arrow is on -69.

12 THE COURT:

13 I don't recall him testifying to that.

14 Rephrase your question.

15 Doctor, can you give us the  
16 angle from your autopsy examination  
17 of the neck, as far as you did go,  
18 can you give us the angle of the  
19 entrance and exit of this bullet from  
20 the neck of the President, unless you  
21 knew where it came out?

22 THE WITNESS:

23 In relation to the horizontal plane or in  
24 relation to the right and left?

25 BY MR. OSER:

1 Q In relation to right and left. My original  
2 question was, did he calculate such an  
3 angle?

4 A From what I recall at the angle I was referring  
5 to, it was within 45 degrees, was in  
6 relation to the horizontal as far as the  
7 difference of level between the entry in  
8 the back of the neck and the exit in the  
9 front of the neck. I don't recall angles  
10 in relation to a right and left direction.

11 Q Doctor, for a bullet to pass through this par-  
12 ticular part of the body as described in  
13 S-69, and not hit any bone, would you say  
14 that was an extremely small corridor for  
15 such a bullet to go through and not hit  
16 a bone?

17 A It is possible this bullet produced an entry  
18 and exit, as I testified, without produc-  
19 ing gross evidence of bone damage.

20 Q I think you testified before, Doctor, there  
21 was no bone damage in the area of the  
22 neck?

23 A Yes.

24 Q Could you tell me, Colonel, from viewing the  
25 autopsy X-rays, whether or not there were

1           any metallic fragments or deposits in the  
2           area of the wound described in S-69?

3       A     I don't remember seeing fragments in the area  
4           of the neck. I remember seeing numerous  
5           fragments in the X-ray of the head but  
6           that corresponded to another wound.

7       Q     In referring once again, Colonel to S-67 for  
8           identification, the five-page report  
9           signed by you in January, 1967, can you  
10          tell me why this report was prepared?

11      A     Please repeat your question.

12      Q     Can you tell me why this report was prepared,  
13           the one you signed in January, 1967?

14      A     The purpose of this, as I recall, was to  
15           correlate our autopsy report of November  
16           1963, and the X-rays and photographs of  
17           the wounds, because we had seen the X-rays  
18           at the time of the autopsy but we hadn't  
19           seen the photographs in November 1963 or  
20           in March 1964, so in 1967 we were asked to  
21           look at those X-rays and photographs.

22      Q     By whom were you asked to do this?

23           THE COURT:

24           Are you waiting for an answer?

25           MR. OSER:

1 Yes.

2 THE COURT:

3 I thought you were referring to your  
4 notes, Doctor.

5 MR. OSER:

6 I asked the witness --

7 THE COURT:

8 I heard your question. I was just wanting  
9 to know if you were waiting for an  
10 answer.

11 THE WITNESS:

12 I think I went first to the -- I saw  
13 these photographs and X-rays to the  
14 best of my recollection at the  
15 archives of the United States in  
16 January 1967, the photographs, for  
17 the first time.

18 THE COURT:

19 He didn't ask you that question. He  
20 wanted to know who asked you to do  
21 this. Was that your question?

22 MR. OSER:

23 Yes, sir.

24 THE WITNESS:

25 As I recall it was Mr. Eardley. There are

1 many names involved in this. I think  
2 it was Mr. Eardley at the Department  
3 of Justice and I had the authority to  
4 go there from the military.

5 BY MR. OSER:

6 Q Can you tell me whether or not you were asked  
7 to do this summary in January 1967 in  
8 regard to a panel review that was going  
9 to be done by Mr. William H. Carns,  
10 Russell S. Fisher, Mr. Russell H. Morgan  
11 and Mr. Alan R. Moritz.

12 A In January 1967 when I signed S-67, to the best  
13 of my recollection, I was not aware of this  
14 panel review which took place in 1968, if  
15 you are referring to an independent panel  
16 review.

17 Q I am.

18 A It was composed of W. H. Carns, Russell H.  
19 Fisher, Russell H. Morgan and Alan R.  
20 Moritz.

21 Q That is correct, Colonel.

22 A I don't remember knowing in 1967 that these  
23 four names were reviewing the evidence to  
24 the best of my recollection.

25 Q Are you familiar with their work?

1 A I have read this. I was made aware of this  
2 panel review, I had received this panel  
3 review in February 1969.

4 MR. OSER:

5 Your Honor, I am going to a new area.

6 Do you want to take a coffee break  
7 now?

8 THE COURT:

9 Yes. Sheriff, take the Jury upstairs and  
10 we will have a 10-minute recess.

11 (SHORT RECESS.)

12  
13  
14  
15  
16 NO HIATUS HERE  
17  
18  
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23  
24  
25

1 THE COURT:

2 Are both sides ready to proceed?

3 MR. DYMOND:

4 Yes.

5 MR. OSER:

6 Yes.

7 BY MR. OSER:

8 Q Colonel, referring to the autopsy report of  
9 November 24, 1963, of the 25th, the re-  
10 port, the original autopsy report --

11 A I signed it on Sunday, 24 November, 1963 far  
12 as I can remember.

13 Q Referring to that again on page 2 in the  
14 clinical summary in Paragraph 3 you have  
15 it marked there that shortly -- in the  
16 third paragraph on page 2 of that report  
17 you state that "shortly following the  
18 wounding of the two men the car was driven  
19 to Parkland Hospital in Dallas. In the  
20 Emergency Room of that hospital the Presi-  
21 dent was attended by Dr. Malcolm Perry.  
22 Telephone communication with Dr. Perry on  
23 November 23, 1963 develops the following  
24 information relative to the observations made  
25 by Dr. Perry and the procedures performed th

1 prior to death." Is that correct? 12

2 A Yes.

3 Q Did you have occasion, Colonel, to speak to  
4 Dr. Perry and I ask you if you did whether  
5 or not Dr. Perry classified the wound he  
6 found in the throat?

7 MR. DYMOND:

8 I object on the grounds that he never --

9 THE COURT:

10 First let's find out if the witness spoke  
11 with Dr. Perry.

12 BY MR. OSER:

13 Q Did either you, Colonel, or one of your fellow  
14 members of the autopsy report speak to  
15 Dr. Perry in Dallas?

16 A I personally did not talk to Dallas, to a  
17 Dallas doctor but Dr. Humes called him  
18 after the autopsy and he told me so.

19 Q Did you have a conversation with Dr. Humes  
20 regarding what was learned in Dallas, Texas  
21 from the Dallas doctors concerning --

22 THE COURT:

23 Make it one question.

24 MR. OSER:

25 I just asked him whether or not he did.



1 THE COURT:

2 Rephrase your question.

3 BY MR. OSER:

4 Q Did you talk to Dr. Humes about his conversa-  
5 tion?

6 A I did.

7 THE COURT:

8 That breaks it down.

9 BY MR. OSER:

10 Q Will you tell us whether or not you had any  
11 knowledge that the wound in the area where  
12 the tracheotomy was performed was classi-  
13 fied as that of an entrance wound in  
14 Dallas, Texas?

15 A All I learned is that the communication was  
16 between Dr. Humes and one or more of the  
17 Dallas surgeons, maybe Dr. Perry or it  
18 may be others, but they were people taking  
19 care of President Kennedy in the  
20 Emergency Room, that there was a small  
21 wound in the front of the neck of  
22 President Kennedy and that they included  
23 that small wound of approximately 5  
24 millimeters in diameter in their  
25 tracheotomy incision.

1 Q Did you have available to you a further  
2 description of this small wound that they  
3 found in Dallas, Texas prior to perform-  
4 ing the tracheotomy?

5 A Outside of the location in the anterior, in the  
6 front of the neck, and the description I  
7 don't recall there was more detail about  
8 that wound found by the Dallas surgeons.

9 Q Can you tell me, Colonel, whether or not you had  
10 at your disposal any information from  
11 Dr. Kemp Clark?

12 MR. DYMOND:

13 If The Court please, we have not been  
14 objecting to hearsay but at this  
15 point any information of this type  
16 would be hearsay unless this doctor  
17 spoke with that person and even then  
18 it would still be hearsay.

19 MR. OSER:

20 I didn't ask what the content was, I asked  
21 him if he had any information available  
22 from Dr. Kemp Clark.

23 THE COURT:

24 He can say yes or no. Did you understand  
25 the question?

THE WITNESS:

There was a Dr. Clark mentioned. I did not talk to him.

BY MR. OSER:

Q Did you have an occasion to talk to Dr. Charles Carrico from Dallas, Texas?

A I did not.

Q Do you know whether or not Commander Humes or Commander Boswell spoke to this doctor?

A Again I cannot pinpoint names of these Dallas surgeons with whom Dr. Humes communicated with. I know the results of the communication but I cannot say he did or did not speak to this one or that one.

Q Now, can you describe for me as to how large this wound was in the throat area that you saw the night of November 22, 1963?

A It was a long sideways surgical incision.

Q Could you tell me Colonel whether or not you could have taken this particular area, or the particular wound in the throat, and meshed the two sides of the incision back together again and ascertain whether or not this was a wound within the incision caused by some missile?

1 A I examined this surgical wound and I did not  
2 see the small wound described by the  
3 Dallas surgeons along that surgical  
4 incision. I did not see it.

5 Q If you did not see it then, Colonel, I take it  
6 then this was a small type of wound if it  
7 was there?

8 A According to the telephone conversation it was  
9 a small wound in the front of the neck.

10 Q Did you have occasion, Colonel, to dissect this  
11 particular wound area and to make a  
12 cross-section and submit it to microscopic--

13 THE COURT:

14 I'm going to stop this if it is repetitious.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

NO HIA TUS HERE.

1 MR. OSER:

2 If the Court please, he described that he  
3 tracked it from the back to the front.

4 MR. DYMOND:

5 We object on the grounds it is repetitious.

6 MR. OSER:

7 If the Court please, I have previously  
8 talked about dissecting and submitting  
9 to microscopic examination the wound  
10 the Colonel described in the back area  
11 and I am now on the throat area or  
12 what he alleges is the exit wound of  
13 the projectile.

14 MR. DYMOND:

15 He covered that this morning and said he  
16 did not and that was covered very,  
17 very lengthy.

18 THE COURT:

19 He said he did not and I don't know where  
20 you were when he said that, Mr. Oser.  
21 Go ahead and answer the question,  
22 Doctor.

23 BY MR. OSER:

24 Q Did you dissect any area of the neck muscles  
25 which might have been thought to be an exit

wound of the President's neck.

THE COURT:

He said he didn't dissect anything.

THE WITNESS:

I made some measurements of, of course to determine the wound, this was the wound of entry in the back of the neck and I examined both edges of the surgeon's surgical incision in the front of the neck. I don't remember a dissection of this area. I remember a very close gross examination.

BY MR. OSER:

Q Colonel, I believe you testified before that normally in gunshot wounds, correct me if I am wrong, that when a gunshot wound enters an area of the body it leaves a relatively small hole. What happens to that wound when it exits in regard to the size in comparison to the entry wound?

A There is a variation from one case to the other. The wound of exit may be small. It may be smaller than the wound of entry. It may be larger than the wound of entry. This,

of course, depends on various factors.

Q I believe you also testified you have done some work with firing of rifles at the Arsenal and so forth?

A Yes.

Q What is the usual thing that you find in comparing sizes of entry wounds as to an exit wound?

A Again, there is a variation from one case to the other. The exit is often larger than the entry but this is not always the case.

Q Now, Colonel, using State Exhibit 68, the diagram of the wound showing on the Autopsy Descriptive Sheet in the back area it has a description of seven by four millimeters. Can you tell me whether or not that is a correct measurement of the entrance wound into the back area of the President?

A As I remember I took those measurements and they were from one edge of the wound in one diameter and from one edge of the wound to the other in another diameter. At this time I would like to say there is some variation in taking measurements of a wound because you may take into account the

1 edge itself or the abrasion, the rubbing  
2 around the edge of the wound, and that may  
3 explain some differences in taking measure-  
4 ments.

5 Q Can you give me, Colonel, the approximate size  
6 in inches or parts of inches that seven by  
7 four millimeters would be?

8 A Seven millimeters is approximately one-quarter  
9 of an inch. These are approximate things.

10 Q And what is your answer, Colonel, about one-  
11 quarter of an inch, you say?

12 A I have to consult notes because it requires  
13 conversion from metric units to inch units.  
14 This is close enough to say that seven  
15 millimeters is approximately one-quarter  
16 of an inch.

17 Q Colonel, I show you State Exhibit 66 and ask  
18 you whether or not a bullet, or the pellet  
19 contained in that particular cartridge,  
20 could have caused the hole as you have  
21 described?

22 A Yes, if this is a --

23 Q I am merely asking you, Colonel, from looking  
24 at that particular pellet whether or not  
25 that could have caused the hole such as



1                   you described?

2           A       This is compatible with it.

3           Q       Colonel, can you give me the measurements of  
4                   the wound in the area of the front of the  
5                   President's neck that I am pointing to here  
6                   on State Exhibit 69?

7           A       As I recall, it was given by the Dallas surgeons  
8                   as approximately five millimeters in diameter.

9           Q       Can you convert approximately five millimeters  
10                  in diameter to a part of an inch for me,  
11                  please?

12          A       Approximately three-sixteenths of one inch  
13                  corresponds to five millimeters.

14          Q       Referring, Colonel, to your Summary Report,  
15                  State-67 for purposes of identification,  
16                  which you signed on 26 January, 1967, can  
17                  you tell me why you did not list the size  
18                  of the wound that you say is the exit wound  
19                  in the throat of the President?

20          A       Because I did not, I did not see that wound in  
21                  the front. I did not, I don't know why it  
22                  is not there.

23          Q       You say you did not see it?

24          A       I did not see the wound of exit in the skin. I  
25                  saw a hole of exit in the shirt of the

President.

Q But in speaking of the throat area, or skin area of the President, relative to his throat you said it was approximately five millimeters and you later said that Commander Humes received this information from Dallas.

A The wound that was in the front of the neck I obtained that information from Dr. Humes.

NO HIATUS HERE.

1 Q Therefore would you say, Colonel, that the  
2 wound in the back of the neck as you  
3 describe it is larger than the wound in  
4 the throat area?

5 MR. DYMOND:

6 We object to this. First of all, the  
7 Doctor testified that these are  
8 approximate measurements on wounds  
9 in the skin. Secondly, the doctor  
10 testified that he never saw the front  
11 bullet wound and consequently an  
12 answer on that would have to be based  
13 on measurements made by someone else,  
14 told to someone else, and then  
15 included in the report.

16 MR. OSER:

17 All the results, if The Court please, from  
18 two autopsy reports signed by this  
19 witness stating that -- I believe he  
20 said everything in here is true and  
21 correct when I asked him, then I  
22 asked him if he wished to change  
23 anything in here at the beginning of  
24 his testimony and he said no. I'm  
25 trying to ascertain what he told

1 Defense Counsel on direct examination.  
2 he stated this was an exit wound and  
3 I am trying to find out whether the  
4 hole in the back is larger than the  
5 front and whether or not it is com-  
6 patible with a wound from this type  
7 of bullet.

8 MR. DYMOND:

9 If The Court please, the Doctor testified  
10 what he based his conclusions on and  
11 further testified that he never did  
12 see the front wound in the neck and  
13 consequently the question is impos-  
14 sible of answer.

15 THE COURT:

16 He has testified he is familiar with the  
17 information received from Dr. Humes  
18 from the surgeons in Dallas, Texas  
19 and he knows it was in the report and  
20 that the information was communicated  
21 to him and he was aware of it. I  
22 understand that Mr. Oser's question  
23 is whether the entrance wound from  
24 the rear was larger than the exit  
25 wound, which was the information

1 given by the surgeon in Dallas,  
2 Texas.

3 MR. DYMOND:

4 Your Honor has consistently ruled through-  
5 out the trial that a witness cannot  
6 relate what someone else related to  
7 him.

8 THE COURT:

9 Ordinarily, I agree but it was advised to  
10 him and he was made cognizant of it  
11 when he signed the original report,  
12 when he signed the report he either  
13 knew that as a fact which was received  
14 it from Commander Humes who received  
15 it from Dallas. I will permit the  
16 question.

17 You are asking Dr. Finck if from  
18 the information he had whether or not  
19 the measurements of the alleged  
20 entrance wound as you wish to call  
21 it, alleged, is not larger than the  
22 information received from Dallas of  
23 the entrance wound in the front. I  
24 will permit you to ask it.

25 MR. DYMOND:

1 To which Counsel respectfully objects and 1  
2 reserves a Bill of Exception on the  
3 grounds this is hearsay evidence  
4 making the entire line of questioning,  
5 particularly this question, the  
6 answer to the question, the objection  
7 and ruling of the Court and the entire  
8 record parts of the bill.

9 MR. OSER:

10 Could I have the witness answer my ques-  
11 tion. Will you answer the question.

12 THE WITNESS:

13 Please repeat the question.

14 THE REPORTER:

15 Question: "Therefore, would you say,

16 Colonel, that the wound in the back  
17 of the neck as you described it is  
18 larger than the wound in the throat  
19 area?"

20 MR. DYMOND:

21 Your Honor, that is not the question you  
22 stated you were ruling on. You said  
23 you were ruling on the question whether  
24 it was larger than the information  
25 indicated.

1 MR. OSER:

2 I will ask that question.

3 THE WITNESS:

4 Whether or not it was larger?

5 BY MR. OSER:

6 Q Than the information you received from the  
7 doctors in Dallas.

8 MR. DYMOND:

9 Object now on the ground that he didn't  
10 receive the information from the  
11 Doctor.

12 THE COURT:

13 I just ruled that he signed his name to  
14 the report and under that exception  
15 I will permit the question. Do you  
16 understand the question?

17 MR. OSER:

18 Let me ask you again, Doctor --

19 THE COURT:

20 No, because then I will have to be ruling  
21 on different things if you change the  
22 question each time.

23 MR. OSER:

24 Then I'll ask that the Court Reporter  
25 read the question I asked.

THE REPORTER:

1

Question: "Therefore, would you say, Colonel, that the wound in the back of the neck as you described it is larger than the wound in the throat area" -- then he added the second part of the question, Your Honor, which says, "than the information you received from the doctors in Dallas?"

THE WITNESS:

I don't know 'cause I measured the wound of entry whereas I had no way of measuring the wound of exit and the wound could have been slightly smaller, the same size, or slightly larger because all I have is somebody saying it was approximately 5 millimeters in diameter.

NO HIATUS HERE



1 THE COURT:

2 We have covered it well and you can go  
3 on to something else now, Mr. Oser.

4 BY MR. OSER:

5 Q You said the back wound was seven by four  
6 millimeters, Doctor?

7 A Approximately, all these measurements are  
8 approximately.

9 Q Why approximate, Colonel?

10 A Because the edge of the wound can be measured  
11 in different ways. The edge of the wound  
12 is something that you measure with a ruler  
13 and you take approximate measurements and  
14 you write them down.

15 Q Now in speaking about the head wound in  
16 State Exhibit 70, I believe you testified  
17 on direct examination that you found a  
18 wound in the back of the head approximately  
19 one inch to the right and slightly above  
20 the exterior occipital protuberance, is  
21 that right?

22 A Yes.

23 Q Does State 70 show the correct location of this  
24 measurement?

25 A The profile of the head showing the wound in the

1 back of the head and exit on the right  
2 side?

3 Q I am only now speaking of the wound marked "in,"  
4 does that correctly indicate, where the  
5 word "in" is on the back of the head where  
6 the wound was.

7 A Again these drawings are approximate and the  
8 measurements are in relation to a bony  
9 prominence and from what I recall the  
10 wound was higher than the bony prominence,  
11 the external occipital protuberance, the  
12 wound was slightly higher in relation to  
13 a transversal line running through this  
14 prominent occipital protuberance.

15 Q Am I correct in saying that State Exhibit 70,  
16 the diagram, is not entirely correct in  
17 stating the letters "in"?

18 A It is a diagram showing --

19 MR. OSER:

20 I ask that the witness answer yes or no  
21 and then you can explain.

22 THE COURT:

23 You should answer.

24 BY MR. OSER:

25 Q Am I correct in saying -- I ask that the Re-

porter read it back.

(Whereupon, the question was read  
back by the Reporter.)

A Having seen the photographs I think that the  
wound was higher and therefore there is a  
difference between the drawing and the  
photograph.

BY MR. OSER:

Q Then the answer to my question is the photograph  
as it is drawn in State Exhibit 70 is not  
correct, is that correct?

A I would not say this drawing is incorrect.

Q Colonel, let me ask you: Is this hole right  
here where I am pointing to in the correct  
position as you saw it, right now on that  
diagram?

A We are looking at things only on one plane.

Q Yes or no, and then you can explain your answer.

A I can't compare this with the examination done  
from the back looking in the back of the  
head. We are looking at the side of the  
head here with the wound visible in the  
back, but we are not facing the back of  
the head.

Q Colonel, didn't you previously testify that that

1 exhibit was acquired to help you in the  
2 autopsy?

3 A Yes, it did. It was the only thing available  
4 to us, and for practical purposes this  
5 drawing, this drawing is adequate to show  
6 the approximate location of the wound in  
7 the head of the president.

8 Q It only shows approximately and doesn't show  
9 exactly, is that correct?

10 A It can't show it exactly. It is not a photo-  
11 graph. The word exactly is excessive.

12 MR. OSER:

13 I think the question calls for a yes or  
14 no answer, and then he can explain,  
15 Your Honor.

16 MR. DYMOND:

17 I submit the question is one that requires  
18 judgment of depth in a two-dimension  
19 sketch. There is nothing at all on  
20 this sketch which would permit a person  
21 to give an estimate of depth. That is  
22 the difference between the location of  
23 something laterally and from the back  
24 between this and an actual photograph.

25 THE COURT:

1 If I may suggest that Mr. Dymond used him-  
2 self for the witness to demonstrate  
3 on, for Dr. Finck to give the exact  
4 location of entrance and why don't you  
5 do it on you, Mr. Oser, and get it  
6 over with.

7 MR. OSER:

8 Your Honor, I think the State has a right  
9 to ascertain just how accurate these  
10 two exhibits were that were used by  
11 the Doctor in his testimony and this  
12 is what I am trying to do.

13 THE COURT:

14 You may proceed.

15 BY MR. OSER:

16 Q Doctor, --

17 THE COURT:

18 I am going to rule Mr. Dymond is correct.  
19 Rephrase the question. It does not  
20 show the three dimensions, but you can  
21 bring that out in the questioning if  
22 you care to do so.

23  
24 NO HIATUS HERE.  
25

1 BY MR.OSER:

2 Q Colonel, did you use those two exhibits in your  
3 testimony in front of the Warren Commis-  
4 sion?

5 A As I recall I used those exhibits in my  
6 testimony.

7 Q Did you use the descriptive sheet of the  
8 autopsy in your testimony before the Warren  
9 Commission?

10 A I don't remember using it.

11 Q Can you tell me, Colonel, whether or not on  
12 the Exhibit State-70, the area I am now  
13 pointing to which I believe is indicated  
14 by the letter "A," whether the location  
15 on this exhibit is in the same location as  
16 indicated in the head area as depicted in  
17 the autopsy descriptive sheet?

18 A Approximately, it is in the back of the head,  
19 approximately.

20 Q Approximately. All right. Now, referring to  
21 the same exhibit now pointing to an area  
22 in the neck of the sketch depicted on  
23 State-70, and I ask you whether or not  
24 the point I'm not pointing to is supposed  
25 to represent a bullet wound hole in this

particular picture?

A This represents a bullet wound in the back of the neck.

Q I ask you whether or not the location where this particular wound is indicated on this exhibit is in the same position as exhibited on the autopsy descriptive report prepared in the morgue or on the autopsy table?

A Approximately, yes. I would like to say that the wound on this exhibit -- What is the number of this one?

Q -68.

A The position of the wound of entry in Exhibit 68 was higher than shown on Exhibit 68.

Q Colonel, will you please step down from the witness stand and indicate on State Exhibit 68, the right-hand figure drawn there, would you please with this pen mark the area on that exhibit the hole as it is depicted in State Exhibit 69 and -70?

A I don't have here on this exhibit the acromion on the shoulder but what I can do is show an approximate location higher.

Q Do you have the acromion shown in State Exhibit

A The acromion is the bony prominence in the shoulder and I can't pinpoint this on this exhibit.

Q Well, then, from what you recall having seen, would you mark it on there?

A Approximately?

Q Yes.

A I would say that the wound was higher.

Q Now, Colonel, would you put your initials by that little mark and then you can resume your seat. Now, Colonel --

A Mr. Oser, may I?

Q Certainly.

A Expand on this?

Q Certainly.

A On page 2 of Exhibit S-67, the paragraph entitled "The Neck Wound," "The Location," that is what you are referring to?

Q I know what I am referring to, Colonel.

A States the drawing itself may be somewhat misleading as to the location making it appear at a point lower than it actually was.

Q Colonel, if the photographs were misleading



1 then why did you use them?

2 MR. DYMOND:

3 I object, Your Honor, he didn't say  
4 photographs.

5 THE COURT:

6 Let him finish the question and don't  
7 answer until he finishes the  
8 question. Finish your question then,  
9 Mr. Oser.

10 BY MR. OSER:

11 Q Then, Colonel, if the photograph that you have  
12 just testified to, read from your report  
13 and it stated it was misleading then why  
14 did you use that photograph in your testi-  
15 mony in front of the Warren Commission and  
16 here in court today?

17 MR. DYMOND:

18 If The Court please, we object on the  
19 ground that the Doctor did not testify  
20 he used photographs in his Warren  
21 Report testimony. Mr. Oser is refer-  
22 ring to photographs.

23 MR. OSER:

24 All right, Your Honor, the illustration  
25 as it appears in State-70.

C5/P5

169

THE WITNESS:

I could not use photographs in my  
testimony.

NO HIATUS HERE

1 BY MR. OSER:

2 Q That wasn't my question, Colonel. My question  
3 was: "If the exhibit or the drawing  
4 State 70, which I am pointing to right  
5 now, in your summary report says is mis-  
6 leading, why did you use this exhibit in  
7 testifying with it and about it in front  
8 of the Warren Commission and here in  
9 Court today?"

10 MR. DYMOND:

11 If the Court please, I object again, be-  
12 cause that is not the exhibit which  
13 the Doctor said is misleading in this  
14 report. Unless I am incorrect, the  
15 exhibit he states was misleading was  
16 State 68.

17 THE COURT:

18 Let's ask the Doctor which exhibit did  
19 you refer to as being misleading?

20 THE WITNESS:

21 Let me refer again to that Page 2 of  
22 State-67.

23 Photographs No. 11, 12, 38 and 39 verify  
24 the location of the wound as stated  
25 in the report. Warren Commission

Exhibit 397 includes a drawing which purports to show the approximate location of the wound and specifically notes it was five and a half inches from the tip of the mastoid process behind the right ear and the same thing 14 centimeters from the tip of the right acromion.

Photograph 12, 11, 38 and 39 concern the accuracy of the measurements. The drawing itself may be somewhat misleading as to the location of the wound. Now if I would know what that refers to because no one photograph shows the wound of the back of the neck and the wound of the throat.

Photographs 26 and 38 show the wound in the back of the neck higher from the horizontal plane than the wound in the throat. What is Exhibit 397? Is this Exhibit 397 of the Warren Report, is State-67?

BY MR. OSER:

Q 397, Colonel, is the handwritten --

A It includes a drawing in Volume 17, Page 45.

1 Q Yes, that is part of Exhibit 397, along with  
2 the written notes of Dr. Humes.

3 A May I see it?

4 Q Yes. Now, Colonel --

5 A Let me answer your question now.

6 THE COURT:

7 He wants to answer your question.

8 THE WITNESS:

9 So, Exhibit, Commission Exhibit 397 in-  
10 cluding the drawing which you just  
11 showed to me in Volume 17, Page 45  
12 is the drawing to which this discrepan-  
13 cy refers on Page 2 of State-67.

14 BY MR. OSER:

15 Q Can you tell me, Colonel, when you found out  
16 about this discrepancy in that drawing,  
17 the discrepancy you have so marked on this  
18 exhibit?

19 A At the time I was comparing this Exhibit 397,  
20 Volume 17, Page 45, with the photographs  
21 of the autopsy which I saw for the first  
22 time in January, 1967.

23 Q So then am I correct in stating, Colonel, that  
24 approximately in January, 1967 you dis-  
25 covered the discrepancies in this particu-

1                   lar autopsy descriptive sheet, is that 1'  
2                   correct?

3       A       We stated so in that statement issued on the  
4                   26th of January, 1967 and I can say that  
5                   you can expect differences between schematic  
6                   drawings which are made ahead of time and  
7                   used as a work sheet and photographs.

8       Q       Colonel, what do you mean by drawings made  
9                   ahead of time, are you telling me the  
10                  descriptive sheet was drawn before the  
11                  autopsy of the President?

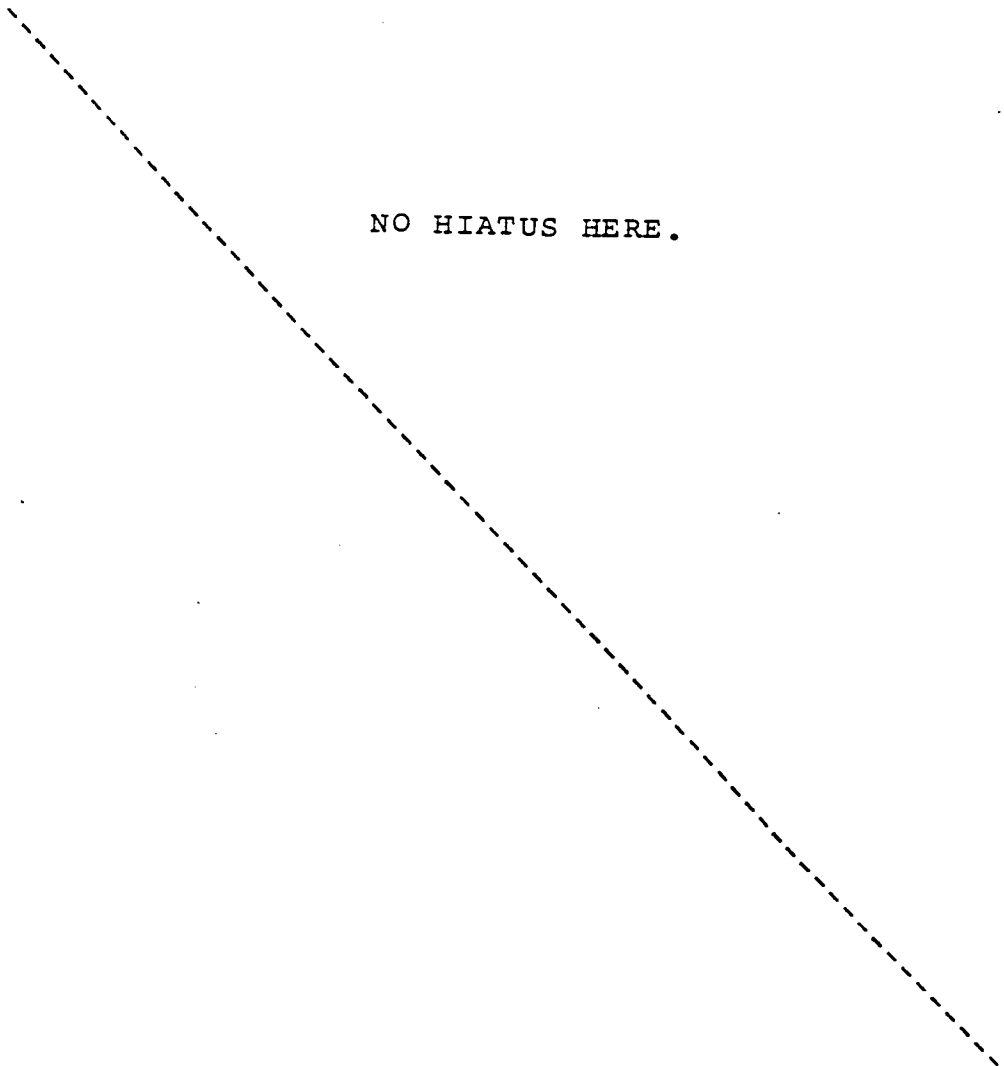
12      A       Not the wounds but the contour of the body to  
13                  mark the location, the autopsy work sheet.  
14                  Many pathologists use these to record  
15                  their findings, work sheets that may show  
16                  the front and back, the head and other  
17                  things.

18      Q       Well, when was this writing put in here that I  
19                  am now pointing to, was that put on at the  
20                  time of the autopsy or before?

21      A       Oh, definitely around the time of examination.  
22                  From my recollection this was made between  
23                  the two other prosecutors and I participated  
24                  in this by making some measurements which  
25                  I recognize here.

1 Q Now, Colonel, I again, speaking about State  
2 Exhibit 70 and the hole I am now pointing  
3 to designated as "A" on this exhibit, can  
4 you tell me whether or not there were  
5 any other characteristics that you found  
6 other than the bevelling or coning effect  
7 that led you to believe or state that this  
8 was an entrance wound?

9  
10  
11  
12  
13 NO HIATUS HERE.  
14  
15  
16  
17  
18  
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25



1 A No, and I would like to explain that the  
2 beveling in bone is among the best factors  
3 to use in determining the direction of the  
4 bullet. Having seen beveling from inside  
5 in that wound in the back of the head in  
6 the bone I made a positive identification  
7 of a wound of entrance in the back of the  
8 head. This is firm.

9 Q Colonel, did you dissect the scalp area and  
10 submit a section to microscopic examina-  
11 tion?

12 A Again, I examined that wound.

13 Q Yes or no and then you can explain.

14 A I don't remember. I don't remember. The  
15 microscopic examination is not made at the  
16 time of the gross autopsy it is made some-  
17 time later from samples taken at the  
18 autopsy and I don't remember the details  
19 in that respect.

20 Q You don't recall having seen the results of  
21 any such tests?

22 A I remember reading microscopic descriptions  
23 by Dr. Humes and I believe it is in his  
24 supplemental autopsy report describing the  
25 microscopic sections taken from samples.



1 Q Does it appear in your official autopsy report  
2 signed by you in November 1963?

3 A I don't see a microscopic description in the  
4 autopsy report of 1963 from page 978  
5 through 983 of the Volume XVI.

6 Q As of this date, Colonel, in February 1969 can  
7 you tell us the results or any microscopic  
8 examinations of a cross-section of the  
9 wound in the scalp of the President of the  
10 United States?

11 A I have no further information beyond the  
12 description I read made by Dr. Humes.

13 Q Have you ever been to Dallas, Texas, more  
14 particularly Dealey Plaza to see the site  
15 of the assassination?

16 A I have not.

17 Q The description on State Exhibit 68 of the head  
18 wound indicated here says, correct me if I  
19 am wrong "Ragged 15 x 6 millimeters." Is  
20 that correct as you found them?

21 A For practical purposes to show the approximate  
22 -- yes, for practical purpose ragged means  
23 the edges were irregular and I testified  
24 this morning that when a bullet strikes  
25 soft tissue with underlying bone close to

1 it that bone offers a great resistance  
2 and the appearance of the edge of the  
3 wound, and I have seen this repeatedly  
4 in many cases, the appearances of the  
5 edge of the wound is different than when  
6 there is bone close to the skin or when  
7 there was a soft tissue beneath the skin,  
8 and that explains the differences of the  
9 characteristics of those two wounds.

10 One, the wound in the neck, no imme-  
11 diate underlying bone and with very  
12 irregular edges and the other in the back  
13 of the head with the skull under the scalp  
14 and offering immediate resistance to the  
15 projectile.

16 Q Colonel, can you give me the angle of entrance  
17 of this particular wound on a horizontal  
18 plane downward?

19 A The angle of -- of the wound in the head?

20 Q Yes, sir.

21 A In the head. Again, this is difficult to  
22 determine because the wound of exit is  
23 very large and the best we could do is to  
24 take the approximate center of this very  
25 irregular wound and draw a line between

1           this approximate center and the smaller  
2           wound of entry in the back of the head  
3           and draw a general direction. The --

4       Q     What was the angle you calculated, if you  
5           calculated one?

6       A     Again I have that figure "within 45 degrees,"  
7           an approximate measure, but the degree of  
8           45 degrees I remember is better to quote  
9           for the neck wound than for the head wound  
10          for the reasons I mentioned. The head  
11          wound was so large, the exit, it is  
12          difficult, extremely difficult to give  
13          an angle for this.

14      Q     Colonel, could you tell me, using myself as  
15           an example, approximately what the loca-  
16           tion in my head would be 100 millimeters  
17           above my external occipital protuberance?

18      A     100 millimeters is approximately 4 inches.  
19           This is the external occipital protuberance.  
20           My finger is approximately 4 inches and  
21           at a place here which is approximately  
22           the location here.

23      Q     About right here, Colonel, 'cause I can't  
24           see you.

25      A     Approximately here, Mr. Oser.

1 Q Now, Colonel, I believe you said that you are  
2 familiar with the report of Drs. Carnes,  
3 Fisher, Morgan, and Moritz, as having  
4 reviewed and returned in 1968, I ask you  
5 whether or not you disagree with their  
6 findings, Colonel, that after viewing the  
7 X-rays of the President they found a hole  
8 in the President's head 100 millimeters  
9 above the occipital protuberance?

10 A I can't say I agree or disagree with this for  
11 the following reasons: This measurement  
12 refers to X-ray films. On Page 11 of this  
13 Panel Review -- what is the exhibit number  
14 of this?

15 Q I now mark it as State-73 -- 72, I am sorry.

16 A On Page 11 of this Panel Review of 1968, which  
17 I read for the first time in 1969, I read:  
18 "One of the lateral films of the skull" -- and  
19 this refers to a general section heading  
20 you will find on "Examination of X-ray  
21 Films" on Page 9, as I read this, I inter-  
22 pret this statement of Page 11 as a measure-  
23 ment based on X-ray films. So there was a  
24 difference between measurements made on  
25 X-ray films and photographs or photograph

1                   and the actual measurements on the  
2                   cadaver.

3       Q       Do you disagree with the fact that these  
4                   four doctors are qualified in the field  
5                   of pathology?

6       A       They are definitely, three of them, three of  
7                   them are qualified pathologists, and the  
8                   fourth doctor is a radiologist.

9       Q       Radiology is in what field of medicine?

10      A       Radiology is the study of X-rays for diagnostic  
11                   reasons or for the reasons of treating  
12                   with radiation.

13      Q       Would you say, Colonel, that a radiologist is  
14                   the best qualified person in the field of  
15                   medicine to read an X-ray?

16      A       Yes.

17      Q       Did you find in reading that report any mention  
18                   by these four gentlemen, or these four  
19                   doctors, of any hole in the President's  
20                   head being one inch slightly above the  
21                   occipital protuberance bone?

22      A       I do not find the measurement as one inch to  
23                   the right of the external occipital  
24                   protuberance in this State-72.

25      Q       Colonel, could you step down, and using State

1 Exhibit 70, show me the approximate  
2 location in correlation to the size of  
3 the diagram, or the illustration, where  
4 100 millimeters would be above the  
5 occipital protuberance bone.

6 A On which one?

7 Q I will repeat my question. Using State Exhibit  
8 70, Colonel, would you show me the approxi-  
9 mate location of 100 millimeters above the  
10 occipital protuberance bone in relation to  
11 the size of this particular illustration  
12 as it appears in this exhibit.

13 MR. DYMOND:

14 If the Court please, this exhibit does not  
15 purport to be a scale exhibit and as  
16 I said before, it is not a three-  
17 dimensional photograph. I doubt if  
18 the Doctor could locate this bone,  
19 and if he could, any estimate of dis-  
20 tance would be useless because it does  
21 not purport to be to scale.

22 MR. OSER:

23 If the Court please, the Doctor used this  
24 exhibit saying this is the approximate  
25 location he found, and I am now asking

1 him the approximate location that  
2 four doctors examining X-rays said  
3 it was 100 millimeters above the  
4 occipital protuberance bone, and I  
5 think he can tell the approximate lo-  
6 cation of that.

7 THE COURT:

8 Mr. Dymond's objection is that it is not  
9 a picture of the rear of the base of  
10 the skull, and for that one reason  
11 Mr. Dymond doesn't see how the witness  
12 could put it any relation with respect  
13 to the rear of the skull and moving  
14 laterally across the skull.

15 MR. DYMOND:

16 He has already done this on Mr. Oser's  
17 head, which is three dimensional.

18 MR. OSER:

19 Still and all he used this exhibit showing  
20 at least a portion of the back of the  
21 skull and a line going over the top  
22 of the skull which would indicate at  
23 least to me the approximate mid-part  
24 of the head, and I fail to see why  
25 the Colonel cannot indicate the

1 approximate location 100 millimeters  
2 above the occipital protuberance bone.  
3 I know it is not drawn to scale, but  
4 I am only asking him for the approxi-  
5 mate location.

6 THE COURT:

7 Could he not do it better in the figure in  
8 your autopsy sheet there?

9 MR. OSER:

10 But, Your Honor, that may well be, but since  
11 the Doctor has used this exhibit and  
12 said this is where he found a hole,  
13 I think the State has a right also to  
14 show as a result of the testimony  
15 where approximately 100 millimeters  
16 was.

17 THE COURT:

18 You understand the question?

19 THE WITNESS:

20 Yes, I do, but I can't see how I can be  
21 asked to place a wound that was mea-  
22 sured on X-rays, I don't understand  
23 how I can be asked to put on a illustra-  
24 tive drawing showing the location of the  
25 wound as we approximately saw it and



not based on measurements on X-rays.

Those 100 millimeters --

BY MR. OSER:

Q Tell me how did the illustrator do it if he didn't have the X-rays and photographs?

A He did not.

Q Then how did he do it?

A Because he was told by Dr. Humes about the approximate location of that wound in the back of the head on the right side and approximately one inch from the external occipital protuberance and slightly above it.

Q He was told by Commander Humes that?

A To my knowledge the illustrator making those drawings made them according to the data provided by Dr. Humes.

Q Let me ask you this then, Colonel: Am I correct in stating that you said that the area I am pointing to right now is the approximate location where four inches above my protuberance bone is?

A On your head I agree but the measurement of 100 millimeters was made on an X-ray and that is why I am reluctant to say.

1 Q Made by a radiologist, one was a member of the  
2 American Board of Radiology?

3 A I don't know that. That report is signed by  
4 four people, there were four to sign it.

5 Q Didn't you say one was a radiologist?

6 A To my knowledge.

7 Q And a radiologist deals in X-rays?

8 A A radiologist deals with X-rays and the inter-  
9 pretation of them.

10 MR. OSER:

11 Again I call for the witness to put the  
12 approximate location because there  
13 has been testimony on direct examina-  
14 tion as well as cross-examination, and  
15 because the Defense introduced a  
16 picture of Exhibit 388 in Defense  
17 Exhibit 67 and I think the State has a  
18 right to use this for further witnesses  
19 and further cross-examination of the  
20 Doctor. I call for this location.

21 MR. DYMOND:

22 The Doctor has said that he can't do it.

23 THE COURT:

24 He already testified that the or that there  
25 is somewhat of a difference between

locations on there and in X-rays and  
I am not going to force him to do it.

MR. OSER:

Then I ask that he mark it on State-68.

THE COURT:

If he can do it.

MR. OSER:

Four inches above the external occipital  
protuberance on the descriptive sheet,  
State-68, and I, this is the Autopsy  
Descriptive Sheet, and I presume you  
have used it before for autopsies and  
I ask that it be so marked there.

THE COURT:

If the Doctor can do it.

THE WITNESS:

I don't think I can put a wound on a  
drawing whereas the distance of that  
wound on an X-ray was given as 100  
millimeters I can't do that on some-  
thing that is different.

MR. OSER:

Your Honor, may I ask the witness --

THE COURT:

Let's see if I can clarify it.

1 Dr. Finck, on the drawing of  
2 the rear of a human being, male, can  
3 you place with some kind of a pen or  
4 what have you the correction, if one  
5 was made, as a result of the four-man  
6 panel, as to what you all originally  
7 determined. If you can do it and if  
8 you can't, you can't do it.

9 MR. DYMOND:

10 If The Court please, may I submit the  
11 Doctor is trying to explain that the  
12 distances --

13 MR. OSER:

14 I don't want Mr. Dymond to testify.

15 MR. DYMOND:

16 This is in support of my objection.

17 THE COURT:

18 I will listen.

19 MR. DYMOND:

20 That the distances on an X-ray measurement  
21 is not compatible at all with the  
22 distances on this drawing and would  
23 be impossible to transpose.

24 THE COURT:

25 I will accept that. Take the witness

stand.

BY MR. OSER:

Q Doctor, you are familiar with an autopsy descriptive sheet, have you seen something similar to this before and have you ever used something like this before in an autopsy?

A It is quite common to use worksheets in autopsies.

Q I ask you again, that wasn't my question, have you used them before?

A I have used worksheets in autopsies.

Q And you are telling The Court that you can't mark 100 millimeters above the occipital protuberance bone on that descriptive sheet that you have used before?

MR. DYMOND:

If The Court please, it is repetitious.

Your Honor has ruled on the question.

THE COURT:

I will let the Doctor answer one more time. The question is -- Please read it, Mr. Reporter.

THE REPORTER:

Question: "And you are telling The Court

1 that you can't mark 100 millimeters  
2 above the occipital protuberance  
3 bone on that descriptive sheet that  
4 you say you have used before?"

5 MR. OSER:

6 What is your answer?

7 THE WITNESS:

8 I could place a wound higher on that  
9 drawing but again I don't understand  
10 why I am asked to do that.

11 MR. OSER:

12 I don't think it is for the witness to  
13 determine that.

14 MR. WEGMANN:

15 Let the witness answer.

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
NO HIATUS HERE.

1 THE COURT:

2 If you say you can place it, I suggest  
3 you leave the witness stand, step  
4 down and go place it.

5 THE WITNESS:

6 That would not be placed on X-rays, that  
7 would be a wound higher and approxi-  
8 mately in this location.

9 MR. OSER:

10 These are approximate and we can cover  
11 the matter.

12 BY MR. OSER:

13 Q Initial that, please. Thank you, Doctor.

14 THE WITNESS:

15 Your Honor, at this time I would like to  
16 make a comment for the record.

17 THE COURT:

18 No, sir, you are not running the show.

19 You either answer the question and  
20 give an explanation and don't comment.

21 MR. DYMOND:

22 May we see whether this comment is in the  
23 form of an explanation of his answer,  
24 Your Honor.

25 THE COURT:

1 Is the statement that you wish to make  
2 in further explanation of your  
3 answer to this question?

4 THE WITNESS:

5 Definitely.

6 THE COURT:

7 You may do so.

8 THE WITNESS:

9 The mark I have made --

10 THE COURT:

11 You can't volunteer information just be-  
12 cause you wish to tell us about it.

13 You can only give us answers to a  
14 question and then an explanation.

15 There is a difference from what you  
16 want to volunteer and what you want  
17 to explain. If you want to explain  
18 you may do it but you can't volunteer  
19 a comment and that is the legal  
20 situation of the Court. If this is in  
21 further explanation, then I will per-  
22 mit it.

23 THE WITNESS:

24 The mark I just made on -- what is the  
25 exhibit number?



1 MR. OSER:

2 68.

3 THE WITNESS:

4 On Exhibit 68 does not correspond to  
5 the wound I have seen at the time  
6 of the autopsy. The wound as seen  
7 at the time of the autopsy was not as  
8 high as that. I did so because re-  
9 peatedly I am asked to show on this  
10 drawing what would the position be of  
11 a wound approximately four inches or  
12 100 millimeters above the external  
13 occipital protuberance, but I don't  
14 endorse the 100 millimeters for this  
15 drawing. Again the measurement was  
16 made on X-rays. I was more or less  
17 forced to put that on this exhibit.

18 MR. OSER:

19 I want the record to reflect the witness  
20 was not forced.

21 THE WITNESS:

22 I was asked to show on this drawing a wound  
23 four inches from the external occipital  
24 protuberance.

25 THE COURT:

Let's go on to another area.

BY MR. OSER:

Q How many pieces of skull, Colonel, did you have to use at the time of the autopsy being turned over to you from some other place?

A As I recall, there were three bone fragments and on one of them I saw a definite bevelling which allowed me to identify this portion of a wound of exit as part of a wound of exit. The appearances of these portions of skull had the same general characteristics, as far as the appearance of bone, as the lining of the skull of President Kennedy and I made a positive identity of exit seeing the bevelling from outside after having oriented this specimen as regards the outer and inner surfaces of the bony specimen.

Q Doctor, did you section and examine the left cerebral hemisphere or the left side of the brain of the President?

A I did not.

Q Why?

A The most massive lesions were on the right side and the brain was preserved in formalin,

1           which was a protective fixative used in  
2           pathology, it preserves specimens, and I  
3           did not make sections of the left side,  
4           to my recollection.

5       Q     Colonel, you testified on direct that in your  
6           opinion the bullet entered the President's  
7           head from above and behind and there is an  
8           arrow indicating the proposed direction  
9           on this diagram into the left side of  
10          the President's head and you are telling  
11          me now that you didn't examine the left  
12          side of the brain?

13       MR. DYMOND:

14           There is no evidence of that in the record.

15       MR. OSER:

16           Then I withdraw the question.

17  
18                               NO HIATUS HERE.  
19  
20  
21  
22  
23  
24  
25

1 BY MR. OSER:

2 Q What does the arrow indicate?

3 A I don't know what the arrow means on this  
4 exhibit.

5 Q Let me ask you this: If an individual, Colonel  
6 on a hypothetical question, is shot from  
7 above and to his right at some distance  
8 over 100 feet by a high speed rifle  
9 projectile traveling at approximately  
10 2175 feet per second, carrying an energy  
11 load of approximately 1676 foot pounds,  
12 and this projectile enters this individual  
13 in the back of his head, coming in from  
14 the right and above, I ask you whether or  
15 not you deem it feasible to examine the left  
16 side of the brain area in this particular  
17 individual?

18 A Yes, it would be but again the brain was  
19 removed and preserved for further section-  
20 ing and as far as the exit is concerned  
21 it is the examination of the scalp and  
22 bone which shows the lesions of the out  
23 wound or the exit wound. The brain is a  
24 structure which is different from that  
25 and I know the brain contained many

1 fragments.

2 Q How many did the left side of the brain con-

3 tain?

4 A What is your question?

5 Q How many fragments were there in the left side

6 of the brain or did the left side of the

7 brain contain?

8 A I don't remember the locations of these

9 metallic fragments.

10 Q Why?

11 A Right now I don't remember.

12 Q I thought you said, Colonel, you didn't

13 section the brain.

14 A We took X-rays of this brain, far as I remember

15 someone did, to determine the presence of

16 metallic fragments after it was removed,

17 as I can remember, but I don't recall

18 making sections of that brain. I believe

19 Dr. Humes did section that brain.

20 Q As of this date in February, February 24, 1969,

21 can you tell me the results of that

22 sectioning of the left side of the brain?

23 A No.

24 Q Can you tell me what the rectangular structure

25 measuring approximately 13 x 20 millimeters

as found by the four panelists in the  
brain of the President could be?

A I don't know what it means.

Q How long is 13 x 20 millimeters?

A 1 inch is 25 millimeters so 13 millimeters is  
smaller than 1 inch and 20 millimeters is  
almost 1 inch but not quite 1 inch  
because 1 inch is 25 millimeters just  
about.

Q Would it be safe to say it was approximately  
or would be approximately  $3/4 \times 1/2$  inch,  
that'd be about right?

A 20 millimeters is approximately  $3/4$  of 1 inch  
and 13 millimeters is approximately  $1/2$   
an inch because 25 is one inch.

Q Now, Colonel, can -- You previously testified  
that you did a lot of work at the autopsy  
table in the area of this particular  
head wound. Can you tell me why you  
can't tell me what this  $3/4$  inch x  $1/2$   
inch rectangular-shaped whatever it is,  
what it was in the President's brain?

A At this time I can't interpret this. There are  
numerous bone fragments produced by this  
explosive force in the head leading to

many bone fragments and I can't positively 19:  
identify this structure you are referring  
to.

Q Did you find any bone fragments this size?

A Where?

Q In the brain.

A I don't recall.

Q Did you mention this 13 x 20 millimeters or  
1/2 inch by 3/4 inch rectangular object  
in the brain of the President in your  
report of January 1967?

A I don't think I did.

Q Did you mention this 3/4 x 1/2 inch object  
in the President's brain in your autopsy  
report of November 24, 1963?

A No, but we would have to refer to the supple-  
mental report which I don't have with me  
involving the brain descriptions by  
Dr. Humes. In the report of November '63  
I don't remember a fragment from the  
brain for the very good reason that as I  
remember on Sunday the 24th of November,  
1963 the brain was still being preserved,  
fixed, as I say in formalin. To the  
best of my recollection it was not

sectioned.

Q What you are telling me, Colonel, is as you didn't go into the other half of the brain and completely ascertain what may have or may not have been there then you did not do a complete autopsy, is that correct? Yes or no and then you can answer the question.

A Yes. As regards the wounds on the external aspect of the body, what we found on the 24 November '63 was adequate as regards the external wounds of the brain.

Q Is this in your opinion a complete autopsy under the definition used by the American Board of Pathology? Yes or no and then you can explain it.

A On -- No. On the 24th of November because to my recollection we based our autopsy report on the 24th of November on the information obtained from people at the scene. We based it on our gross autopsy findings pertaining to the wounds as they were described on the body and the X-rays taken before and during the course of the autopsy.



Q Am I correct, Colonel, did I hear your answer that it was "no" and then you explained it?

A I explained it because there was supplemental reports, examinations of clothing that was made at a later date.

Q Colonel, why didn't your report of January 19, 1967 contain anything about this particular object or any further work you may or may not have done with the brain, taking into consideration you had some 3½ years to go over Dr. Humes's report?

A I don't know. I was asked to correlate the autopsy report with the photographs, I had the opportunity to see for the first time in January, 1967.

Q Did you use Commander Humes's supplemental report in drawing up your report of January 1967?

A I don't remember.

Q If you had would you remember?

NO HIATUS HERE

- 1 A Right now I don't remember what I used and  
2 did not use.
- 3 Q If you did not, Colonel, would you say that  
4 your report of January, 1967 was then  
5 not complete and accurate completely?  
6 Yes or no, and then you can explain.
- 7 A No, I don't remember all the factors I used  
8 at that time. You must understand  
9 there are details I remember and others  
10 I just don't remember at this time.
- 11 Q When did you first learn you were going to  
12 testify?
- 13 A When did I first learn I was going to testify  
14 here?
- 15 Q Yes.
- 16 A I was called on the phone on Sunday, and I  
17 will give you the date, -- anyway, it  
18 was in February, 1969 that I was called  
19 to this trial.
- 20 Q Well, Colonel, can you give me an approxima-  
21 tion of how many days before today?
- 22 A It must have been on Sunday the 16th.
- 23 Q Sunday, the 16th of February?
- 24 A Of February.
- 25 Q You did --

- 1 A And I -- I was called by Mr. Wegmann, Mr.  
2 Wegmann must have the date he called me  
3 on the phone at home.
- 4 Q As best you can recall it was February 16?
- 5 A It was in February.
- 6 Q And you did bring some notes with you, did you  
7 not?
- 8 A Let me refer to those and we can speed it up.  
9 I found it. I was called 16 February,  
10 '69.
- 11 Q And my next question is, Colonel: You did  
12 bring some notes with you, did you not?
- 13 A I brought my diary.
- 14 Q And you brought some other notes with you,  
15 didn't you?
- 16 A I brought S-67, the report of Dr. Humes and  
17 Boswell and myself, signed on 26 January,  
18 1967; I brought S-72, the 1968 Panel  
19 Review by Carnes, Fisher, Morgan and  
20 Moritz.
- 21 Q Colonel, if you had to say --
- 22 A I'm not finished. I brought Xerox copies of  
23 Pages 978 through 983 of Volume 16.  
24 I brought a copy of my testimony before  
25 the Warren Commission starting on Page

377 and ending on Page 384 and the notes 20:

I have here I have written here before  
this testimony.

Q But you didn't have Commander Humes' supple-  
mental autopsy report?

A I do not.

Q Now, Colonel, referring to autopsy report of  
November, 1963, again, in the second  
page, second paragraph, you state:  
"Three shots were heard and the President  
fell forward." What do you base "falling  
forward" on?

A Repeat your question, please.

Q Referring to your autopsy report of November,  
1963 on Page 2, Paragraph 2, you state  
"Three shots were heard and the President  
fell forward." Can you tell me what you  
base your statement on, "The President  
fell forward"?

A This, again, is information we obtained when  
this report was prepared. I cannot pin  
down the source. It may have been some-  
body in the car, the Presidential limou-  
sine, some witnesses of the incident, so  
as we put it down as somebody told us.

1 Q Colonel, before in answer on direct examina-  
2 tion to one of Mr. Dymond's last ques-  
3 tions, you gave a description of what  
4 you saw in the Zapruder film as the  
5 President moving his hand up, going  
6 slightly forward, and then he was struck  
7 with the second shot. You could describe  
8 the President's movements at the time of  
9 the second shot and why?

10 MR. DYMOND:

11 If the Court please, we object and submit  
12 this is a question impossible to  
13 answer.

14 MR. OSER:

15 If the Court please --

16 THE COURT:

17 Let me hear Mr. Dymond, please, Mr. Oser.

18 MR. DYMOND:

19 That is my objection, is it is a question  
20 that can't be answered.

21 MR. OSER:

22 The witness as author of the report said  
23 the President fell forward and I want  
24 to know what he based it on.

25 THE COURT:

1 I agree with you, but he said it was  
2 from somebody in the autopsy room,  
3 it was hearsay, but he accepted it  
4 from people allegedly that were eye-  
5 witnesses, and he says that is where  
6 he got the information from.

7 BY MR. OSER:

8 Q Colonel, you did view the entire Zapruder  
9 film?

10 A Yes.

11 MR. DYMOND:

12 That was much after this report was given.

13 BY MR. OSER:

14 Q As of this day and this testimony, Colonel,  
15 you have viewed the entire Zapruder film,  
16 have you not?

17 A I have viewed the entire Zapruder film in  
18 March, 1964.

19 Q Colonel, on the last page of the autopsy report  
20 of November, 1963, the last paragraph  
21 states, "A supplementary report will be  
22 submitted following more detailed ex-  
23 amination of the brain and of microscopic  
24 sections." Was that done, and, if so,  
25 do you have it, the results?

1 A I don't have this supplemental report with  
2 me now.  
3  
4  
5

6  
7  
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9  
10 NO HIATUS HERE.  
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1 Q And do you know the results of any parts of  
2 that supplemental report?

3 A I remember -- Yes, I do. I remember a  
4 description of the brain by Dr. Humes  
5 and microscopic description by  
6 Dr. Humes in that supplemental report.

7 Q Do you recall whether or not it mentions that  
8  $3/4 \times 1/2$  inch rectangular structure in  
9 the brain?

10 A I don't recall reading about this.

11 MR. OSER:

12 May I pin this up, Your Honor? Does The  
13 Court have a stapler?

14 BY MR. OSER:

15 Q Colonel, in regard to Commission Exhibit 399,  
16 I refer you to the photograph designated  
17 in State Exhibit, I believe it is S-68 --

18 THE COURT:

19 Beg your pardon?

20 MR. OSER:

21 The large picture of the autopsy report.

22 BY MR. OSER:

23 Q In referring to Commission Exhibit 399, which  
24 you testified about in front of the  
25 Warren Commission and also referring you



13/P2

208

1 to State Exhibit 64 which purports to be  
2 a photograph of Commission Exhibit 399,  
3 can you tell me whether or not, Colonel,  
4 in your opinion this particular pellet  
5 could have done the damage that you found  
6 in President Kennedy's head?

7 A No.

8 Q Why, Colonel?

9 A The bullet that struck President Kennedy in  
10 the back of the head disintegrated in  
11 numerous fragments seen on X-rays and  
12 some of which were removed by us and the  
13 bullet shown on this exhibit did not  
14 disintegrate into numerous fragments.

15 Q Am I correct in stating, Colonel, that  
16 Commission Exhibit 399 is a steel or copper  
17 jacketed projectile, if you know?

18 A From what I remember this is, this was a  
19 jacketed bullet of the military type which  
20 means that it is a fully jacketed bullet.  
21 The lead core is surrounded along the  
22 sides and the tip by a copper jacket and  
23 that is what you see in military jacket  
24 bullets.

25 Q Now, Colonel, from your having worked with

missile-type wounds and having done the type of work you have done in the past, if a projectile similar to the type in Commission Exhibit 399 were to hit some obstruction, such as bone in the head for instance, would this cause the copper jacket to break, break up to such an extent that lead deposits or inner parts of the pellets would be left in the area?

A There could be a deposit of the components of the jacket in the target struck by this bullet.

Q Have you ever seen such a pellet?

A Bullet?

Q Strike that. Have you ever seen such a copper-jacketed pellet break up to such an extent that it would leave its component parts when it passes through merely flesh and not hit bone, from your experience?

A Your question is: Can a bullet disintegrate when going through soft tissue, is this your question?

Q Yes, yes, answer that question if you would.

A Yes, it is possible a bullet can disintegrate when going through soft tissue. It is not

an absolute necessity.

Q From your experience what usually happens, does it come out intact or does it break up, what is the usual case going through soft tissue?

A Going through soft tissue it depends on many factors. A bullet may remain intact or it may disintegrate. I can't say it always does, that it never does that.

Q Colonel, what is your opinion as to whether or not Commission Exhibit 399 could have passed through President Kennedy's wound as indicated in State-69 that you have described?

A I think it is possible that such a bullet goes through the body as shown on the exhibit.

Q What is your opinion, Colonel, as to whether or not it would come out in the condition as displayed in Commission Exhibit 399 and the drawing which is depicted in State-69, not hitting bone?

A It is possible that a bullet remains as is after leaving the body but it is not an absolute necessity.

Q Colonel, are you familiar with how much weight

loss Commission Exhibit 399 -- strike  
that -- are you familiar, Colonel, with  
the weight of 399?

A To the best of my recollection it is approxi-  
mately 161 grains, something of that  
order.

MR. DYMOND:

If The Court please, unless it is estab-  
lished that the Doctor weighed these  
various objects --

MR. OSER:

Your Honor please --

THE COURT:

Please let me hear the objection. Make  
your objection, Mr. Dymond.

MR. DYMOND:

Unless it is established that the Doctor  
weighed the object in question we  
object on the ground of hearsay.

NO HIATUS HERE

1 MR. OSER:

2 I think Mr. Dymond will withdraw his  
3 objection because I intend to clarify  
4 the answer I got.

5 THE COURT:

6 You may proceed.

7 BY MR. OSER:

8 Q Colonel, the figure of approximately 161  
9 grains, by this do you mean this is the  
10 approximate average weight of the average  
11 type of pellet such as 399 would retain,  
12 this'd be approximately 161 grains?

13 MR. DYMCND:

14 We object on the ground that we are get-  
15 ting outside the field of expertise  
16 of pathology and into the field of  
17 ballistics.

18 THE COURT:

19 Did you weigh it yourself, Doctor?

20 THE WITNESS:

21 No, sir.

22 THE COURT:

23 Did you weigh it after in the condition  
24 that it is now?

25 THE WITNESS:

Sir, I know the weight from reports.

BY MR. OSER:

Q Colonel, could you explain to me how the panel of three pathologists and one radiologist found traces of lead in the throat of the President of the United States?

MR. DYMOND:

How can this Doctor explain how four other doctors found something if he wasn't present.

THE COURT:

I think your question should be "Doctor, are you acquainted" --

BY MR. OSER:

Q Again, Doctor, are you acquainted with the report submitted in 1968 by Dr. W. H. Carns, Russell H. Fisher, Russell H. Morgan and Alan R. Moritz?

A I am, I am.

Q Are you familiar with the resume made in this particular report that traces of metal were found in the throat area from reviewing, from viewing autopsy X-rays of President Kennedy?

1 A Where is that passage, please.

2 Q I will find it for you. I refer you, Colonel,  
3 to page, let me count them because they  
4 are not numbered or marked, 13.

5 A 13.

6 Q The top of the page says, "Neck Region," four  
7 lines down, where it states "also several  
8 somewhat metallic fragments are present  
9 in this region."

10 A I don't know what they are referring to, or  
11 rather I don't recall seeing metallic  
12 fragments on the X-rays of this region of  
13 the neck. I don't recall.

14 Q And from their report, Colonel, would you say  
15 that they viewed three X-ray pictures, do  
16 they refer to pictures 8, 9 and 10?

17 MR. DYMOND:

18 I object having this witness say what  
19 someone else did.

20 MR. OSER:

21 I will withdraw it.

22 THE COURT:

23 Try not to talk at the same time, please.

24 I have been asking you to do that  
25 for three weeks. Let's see if we

can do it that way.

MR. OSER:

I will withdraw the question.

BY MR. OSER:

Q Now, Colonel, could you tell me whether or not in your opinion Commission Exhibit 399 could have caused the wounds in Governor Connally's wrist as you testified in front of the Warren Commission?

MR. DYMOND:

Your Honor, we object unless we are talking about only from the standpoint of direction. There is no evidence here that this gentleman ever examined the wrist of Governor Connally and I don't recall if he ever examined the pellet listed as or represented by 399. If he's talking about direction only, I will withdraw the objection.

THE COURT:

Is it contained, is the foundation of that question contained in the original autopsy report submitted by the Doctor?



1 MR. OSER:

2 Your Honor, I believe the witness answered  
3 earlier in cross-examination --

4 THE COURT:

5 You went over this this morning and you  
6 covered it this morning so you don't  
7 have to repeat it. As far as I know  
8 it was covered this morning.

9 BY MR. OSER:

10 Q Colonel, what is your opinion as to whether or  
11 not a bullet fired from a Mannlicher-  
12 Carcano rifle such as Commission Exhibit  
13 399, having been fired from a sixth floor  
14 of a building 60 feet up in the air, and  
15 that this building (sic) struck an indi-  
16 vidual in the back --

17 MR. DYMOND:

18 Your Honor, there is no evidence of a  
19 building striking anybody in this  
20 case.

21 MR. OSER:

22 You know he is getting cute.

23 THE COURT:

24 60 feet and 265 feet.

25 MR. OSER:

No, Your Honor.

THE COURT:

Well, then, rephrase the question.

NO HIATUS HERE

1 BY MR. OSER:

2 Q The sixth floor being 60 feet above ground  
3 level, and that this bullet, Mr. Dymond,  
4 struck the man in the back at approxi-  
5 mately five and three-eighth inches  
6 below the top of his collar and one  
7 and three-quarter inches to the right  
8 of the center seam, exited from his  
9 throat in the necktie area of this indi-  
10 vidual, then struck an individual in  
11 front of him seated in a car, entering  
12 the second individual in the back near  
13 the right armpit, going through his  
14 chest, fracturing the fifth rib, exiting  
15 from below the second individual's right  
16 nipple, past his right forearm, causing  
17 multiple fractures of the wristbone,  
18 leaving numerous fragments and then  
19 entering his left thigh --

20 MR. DYMOND:

21 I hate to interrupt Counsel in the  
22 middle of his question. It is  
23 axiomatic. A hypothetical ques-  
24 tion must stay within the bounds  
25 of the case. Counsel is doing what

1 is tantamount to testifying. We  
2 have no evidence whatsoever in this  
3 record as to any damage caused on  
4 the body of Governor Connally by  
5 this pellet. We are talking about  
6 fractured wristbones, and we have  
7 no testimony of anything like that,  
8 there is no testimony to its exit  
9 in the area of the nipple of the  
10 President, of, rather, Governor  
11 Connally, and not only the answer  
12 is inadmissible but the question  
13 itself is inadmissible.

14 MR. OSER:

15 If the Court please, No. 1, I haven't  
16 completed my question and, No. 2,  
17 this is the same type of question  
18 Mr. Dymond asked F.B.I. Agent  
19 Frazier on the stand stating facts  
20 not in evidence and you did allow  
21 Mr. Dymond to ask the question.

22 MR. DYMOND:

23 If the Court please, I have never asked  
24 any question similar to this and I  
25 am sure you wouldn't and didn't rule

1 on any question similar to this  
2 at any time.

3 THE COURT:

4 I don't recall Mr. Dymond asking Agent  
5 Frazier that question and it's  
6 highly irregular.

7 MR. ALCOCK:

8 Mr. Dymond didn't ask Mr. Frazier that  
9 question, but all we are suggesting  
10 to the Court is that the question  
11 was outside the bounds of evidence  
12 and the Court admitted it neverthe-  
13 less.

14 THE COURT:

15 I am going to rule at this time that Mr.  
16 Dymond's objections are well taken.  
17 The hypothetical posed is a conclu-  
18 sion stating facts which have not  
19 been a part of this record, so I  
20 will sustain the objection.

21 BY MR. OSER:

22 Q Let me ask you then, Doctor, Colonel, what is  
23 your opinion as to whether or not 399,  
24 as you saw it, could have struck the  
25 wrist and could remain in the same con-

dition as you saw it?

A I don't know.

Q You don't know, Colonel. I call your attention, Colonel, to your Warren Commission testimony, I believe it is Page 382 in the middle of the page, in answer to a question by Mr. Specter, "And could it have been the bullet that inflicted the wound of Governor Connally's wrist?" Colonel Finck: "No, because there were too many fragments described in that wrist." You remember answering that question, Dr. Finck?

THE COURT:

The only objection would be it is repetitious, but I will permit the question.

NO HIATUS HERE.

1 MR. OSER:

2 My question is, did you so testify in  
3 front of the Warren Commission?

4 MR. DYMOND:

5 I would like to interpose an additional  
6 objection. This is a question and  
7 answer based upon hearsay evidence.  
8 Your Honor has indicated very  
9 strenuously that the Warren Report  
10 itself would not be admitted in  
11 evidence here.

12 THE COURT:

13 That is correct.

14 MR. DYMOND:

15 Because it is fraught with hearsay. That  
16 being the case I submit to The Court  
17 the State is not entitled to take  
18 chosen portions of this Warren Report,  
19 and particularly portions which as  
20 Your Honor says are fraught with  
21 hearsay and use them in evidence in  
22 this case.

23 MR. OSER:

24 Again, Your Honor, he's testifying --

25 THE COURT:

Wait a minute, Mr. Oser, control yourself. 22

MR. OSER:

I control myself, Your Honor, but I  
thought he was finished.

MR. DYMOND:

I again call The Court's attention to the  
fact that this man never examined  
the wrist of Governor Connally, never  
had an opportunity to observe the  
nature of the wrist wound, and what-  
ever statement was made in this  
Warren Report is based on a descrip-  
tion furnished to him by someone who  
purportedly examined that wound.

THE COURT:

What is that? I could not hear.

MR. DYMOND:

Because it is based on a description  
furnished to him by someone who  
purportedly examined that wound.

THE COURT:

The objection is overruled for the reason  
that Counsel for State in testing the  
credibility of the witness can ask him  
whether or not he made a statement



contradictory to this statement made  
today and that is why I overrule  
your objection.

MR. DYMOND:

To which ruling of The Court Counsel  
respectfully objects and reserves a  
Bill of Exception making a part  
thereof the question, the answer,  
the entire testimony of this witness,  
the objection, together with the  
reasons, together with The Court's  
ruling and the entire record parts  
of the bill.

THE WITNESS:

Would you reread it please?

BY MR. OSER:

Q Colonel, can you tell me whether or not you  
testified in front of the Warren Commis-  
sion under oath, in answer to a question  
posed by Mr. Spector, "Could it have been  
the bullet which inflicted the wound on  
Governor Connally's wrist."

By Colonel Finck "No, the reason  
there were too many fragments described  
in that wrist." Did you or did you not

so testify, Colonel?

THE WITNESS:

I would like to --

MR. OSER:

Answer yes or no.

THE WITNESS:

I can't answer the question the way it  
was asked for the following reason:

THE COURT:

No. You will have to do like every other  
witness. Answer and then you can  
explain as much as you want and that  
is what every other witness does  
and either answer yes or no and then  
you can explain.

BY MR. OSER:

Q Did you or did you not?

A Read it back.

THE REPORTER:

Question: "Colonel, can you tell me whether  
or not you testified in front of the  
Warren Commission under oath, in  
answer to a question posed by  
Mr. Spector, 'Could it have been the  
bullet which inflicted the wound on

By Colonel Finck 'No, the reason there were too many fragments described in that wrist.' Did you or did you not so testify, Colonel?"

THE WITNESS:

I testified, I did. May I give an explanation, Your Honor?

THE COURT:

Certainly.

THE WITNESS:

On page 382 of my testimony I would like to read a little more --

THE COURT:

You can refresh your memory, you can explain in your own words but you can't read from the testimony of that report.

THE WITNESS:

I was asked could such a bullet have passed through the head of President Kennedy and remain intact and my opinion is that I saw many fragments and this bullet did not

lose many fragments, therefore, the  
bullet I am seeing on this  
Commission Exhibit 399 is not the  
bullet that went through the head  
of President Kennedy because it said  
here in my testimony it was asked if  
it was the bullet that went through  
President Kennedy's head.

THE COURT:

Wait, wait, wait.

THE WITNESS:

This is part of my Warren Report  
testimony.

MR. DYMOND:

If The Court please, the Doctor's obvious  
contention is that this answer has  
been taken out of context and that  
the preceding testimony clarifies  
and explains this answer and under  
those circumstances I respectfully  
submit he is entitled to read to the  
Jury this testimony.

NO HIATUS HERE.

1 THE COURT:

2 You objected to that previously when he  
3 started to read that testimony on  
4 a previous occasion and I ruled that  
5 he could refresh his memory, but  
6 that he couldn't read the testimony.

7 MR. DYMOND:

8 If the Court please, I thoroughly agree,  
9 absolutely, but when the question  
10 is taken out of context and can be  
11 explained and clarified by previous  
12 testimony by this witness in the  
13 same hearing, I think it should be  
14 permitted. The State is reading  
15 and asking whether he made a certain  
16 statement, and I submit that this  
17 witness has a right to read the en-  
18 tirety of the testimony pertaining  
19 to that particular contention or  
20 fact and not only the portion se-  
21 lected by the State.

22 THE COURT:

23 Before you finish this, please take the  
24 Jury into my office.

25 (Whereupon, the Jury was removed.)

Let me make one observation. I understand Dr. Finck's answer to Mr. Specter, that he didn't think Commission Exhibit 399 could retain its shape as it is while going through, irrespectively whether it was going through President Kennedy's head or neck, could remain in that shape because of hitting bones in the leg of Governor Connally, irrespectively of what -- what difference does it make if it goes through the neck or head that it couldn't remain in the same condition because of the fragments in the wrist.

MR. DYMOND:

Let me --

MR. OSER:

Maybe I can clarify it further.

THE COURT:

You got it mixed up enough now.

MR. OSER:

I asked the Colonel before did 399 do the damage in President Kennedy's head

1 and he said, "No, it did not."

2 Then I asked him in regard to this  
3 particular question whether or not  
4 he answered a question of Mr.

5 Specter regarding 399 not involving  
6 the head at all, whether or not 399  
7 could have done the injuries and  
8 type of damage it did in Governor  
9 Connally's wrist, and the Colonel  
10 answered that question. In fact,  
11 this is the second time the Colonel  
12 has answered it.

13 THE COURT:

14 He answered that this morning.

15 MR. DYMOND:

16 Have you finished, Mr. Oser?

17 MR. OSER:

18 Yes.

19 MR. DYMOND:

20 Now the Jury is out of the Courtroom and  
21 now let me read to Your Honor the  
22 preceding testimony.

23 Mr. Specter: "And could that bullet  
24 possibly have gone through President  
25 Kennedy in 388, that is referring

1 to Exhibit 388."

2 Colonel Finck: "Through President  
3 Kennedy's head, 388?"

4 Mr. Specter: "And remain intact in the  
5 way you see it now?"

6 Colonel Finck: "Definitely not."

7 Mr. Specter: "And could it have been the  
8 bullet which inflicted the wound of  
9 Governor Connally's right wrist?"

10 Colonel Finck: "No, for the reason there  
11 were too many fragments described in  
12 that wrist."

13 In other words, this chain of questioning  
14 has this bullet going through the  
15 President's head and then through  
16 Governor Connally's right wrist.

17 THE COURT:

18 You read it that way, but we will leave  
19 it to the Jury to determine that.

20 (Whereupon, the Jury returned to  
21 the courtroom.)

22 THE COURT:

23 We are going to stop because unless I knew  
24 of some immediate moment when you  
25 would be through, but we are going to



1 recess the trial until tomorrow  
2 morning.

3 Again, Gentlemen, I must admonish you  
4 and instruct you not to discuss the  
5 case amongst yourselves or with  
6 any other person.

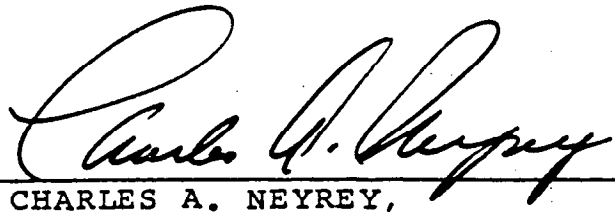
7  
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10 . . . . Thereupon, at 5:40 o'clock p.m.,  
11 the proceedings herein were adjourned  
12 until Tuesday, February 25, 1969 . . . .  
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C E R T I F I C A T E

I, the undersigned, Charles A. Neyrey, do hereby certify:

That the above and foregoing (232 pages of typewritten matter) is a true and correct transcription of the stenographic notes of the proceedings had herein, the same having been taken down by Clifford Jefferson and the undersigned, and transcribed under our supervision, on the day and date hereinbefore noted, in the Criminal District Court for the Parish of Orleans, State of Louisiana, in the matter of the State of Louisiana vs. Clay L. Shaw, 198-059 1426 (30) Section "C" on the 24th day of February, 1969, before the Honorable Edward A. Haggerty, Jr., Judge, Section "C", being the testimony of Pierre A. Finck, M.D.

New Orleans, Louisiana, this 25th day of February, 1969.



CHARLES A. NEYREY,  
Reporter

JFK ASSASSINATION SYSTEM

IDENTIFICATION FORM

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INDEX

COPY TO

PIERRE A. FINCK, MD

Robert Blakey

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Kenneth Klein:

Charlie Mathews

Jim Wolf

Donovan Gay

Jackie Hess

Cliff Fenton

MEDICAL TESTIMONY

Team #1

Team #2

Team #3

Team #4

Team #5

Form #2

43037

W1/n 1

CRIMINAL DISTRICT COURT  
PARISH OF ORLEANS  
STATE OF LOUISIANA

. . . . .  
STATE OF LOUISIANA . 198-059  
vs. . 1426 (30)  
CLAY L. SHAW . SECTION "C"  
. . . . .

PROCEEDINGS IN OPEN COURT,  
Tuesday, February 25, 1969

VOLUME III

B E F O R E :

THE HONORABLE EDWARD A. HAGGERTY, JR.,  
JUDGE, SECTION "C"

**Dietrich & Pickett, Inc.**  
*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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PIERRE A. FINCK, M.D.	2		13	27
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E X H I B I T S

<u>NUMBER</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>RECEIVED</u>
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NONE

W1/N2

2

1 THE COURT:

2 Bring the Jury down.

3 I trust you Gentlemen had a good night.

4 For the record, Mr. Court Reporter, all

5 Counsel are present, the Defendant

6 is present, and I am reminding the

7 witness that his previous oath is

8 still binding.

9 You may proceed, Mr. Oser.

10 PIERRE A. FINCK, M.D.,

11 having been sworn and having testified previously,

12 resumed the stand for a continuation of the

13 CROSS-EXAMINATION

14 BY MR. OSER:

15 Q Colonel, I direct your attention to Page 4 of

16 your autopsy report of November, 1963,

17 and to the fourth paragraph which states,

18 "The complexity of these fractures and

19 the fragments thus produced tax satis-

20 factory verbal description and are better

21 appreciated in photographs and roentgeno-

22 grams which are prepared." Now, Colonel,

23 can you tell me and tell the Court how

24 you refer in your autopsy report that the

25 fractures and the fragments are better

W1/N3

3

1 appreciated in the photographs when you  
2 did not see the photographs until January,  
3 1967?

4 MR. DYMOND:

5 We object to this unless Counsel says  
6 better than what. This report indi-  
7 cates a photograph would show them  
8 better than they could be described  
9 in words.

10 THE COURT:

11 You are coming to the aid of a witness  
12 unsolicited.

13 MR. DYMOND:

14 You cannot compare something to nothing,  
15 Your Honor.

16 THE COURT:

17 Do you understand the question?

18 THE WITNESS:

19 Yes. When there are so many fractures  
20 in so many directions producing so  
21 many lines and fragments in the bone,  
22 a photograph will be more accurate  
23 than descriptions. The photographs  
24 were taken but turned over undeveloped  
25 to the Secret Service at the time we



W1/N4

4

1 performed the autopsy, and the  
2 photographs were taken, we did not  
3 know when these photographs would  
4 be processed, this was beyond our  
5 control because they had been turned  
6 over, exposed, taken in our presence,  
7 but the Secret Service took charge  
8 of them.

9 BY MR. OSER:

10 Q And you didn't see the photographs until  
11 January of 1967. Is that correct,  
12 Colonel?

13 A This is correct.

14 Q Also in your autopsy report on the same page,  
15 Page 4, I direct your attention to the  
16 last paragraph, the last paragraph under  
17 "2," where you said in your report, "The  
18 second wound presumably of entry," and  
19 now you state in Court that you are positive  
20 it was of entry.

21 A As I recall, it was Admiral Galloway who told  
22 us to put that word "presumably."

23 Q Admiral Galloway?

24 A Yes.

25 Q Told you to put that word "presumably"?

W1/N5

1 A Yes, but this does not change my opinion that  
2 this is a wound of entry.  
3 Q Is Admiral Galloway a Pathologist, to your  
4 knowledge?  
5 A Admiral Galloway had some training in  
6 pathology. He was the Commanding Officer  
7 of the Naval Hospital, as I recall, and  
8 at that time, in my mind, this was a  
9 wound of entry, it just was suggested to  
10 add "presumably" this was.  
11 Q Did he suggest you add anything else to your  
12 report, Colonel?  
13 A Not that I recall.  
14 Q Can you give me the name of the General that  
15 you said told Dr. Humes not to talk about  
16 the autopsy report?  
17 A This was not a General, it was an Admiral.  
18 Q All right, excuse me, the Admiral, can you  
19 give me the name of the Admiral?  
20 A Who stated that we were not to discuss the  
21 autopsy findings?  
22 Q Yes.  
23 A This was in the autopsy room on the 22nd and  
24 23rd of November, 1963.  
25 Q What was his name?

W1/N6

1 A Well, there were several people in charge,  
2 there were several Admirals, and, as I  
3 recall, the Adjutant General of the  
4 Navy.

5 Q Do you have a name, Colonel?

6 A It was Admiral Kinney, K-i-n-n-e-y, as I re-  
7 call.

8 Q Now, can you give me the name then of the  
9 General that was in charge of the autopsy,  
10 as you testified about?

11 A Well, there was no General in charge of the  
12 autopsy. There were several people, as  
13 I have stated before, I heard Dr. Humes  
14 state who was in charge here, and he  
15 stated that the General answered "I am,"  
16 it may have been pertaining to operations  
17 other than the autopsy, it does not mean  
18 the Army General was in charge of the  
19 autopsy, but when Dr. Humes asked who was  
20 in charge here, it may have been who was  
21 in charge of the operations, but not of  
22 the autopsy, and by "operations," I mean  
23 the over-all supervision.

24 Q Which includes your report. Does it not?

25 A Sir?

W1/N7

7

1 Q Which includes your report. Does it not?

2 A No.

3 Q It does not?

4 A I would not say so, because the report I signed

5 was signed by two other pathologists and

6 at no time did this Army General say that

7 he would have anything to do with signing

8 this autopsy report.

9 Q Can you give me the Army General's name?

10 A I don't remember it.

11 Q How did you know he was an Army General?

12 A Because Dr. Humes said so.

13 Q Was he in uniform?

14 A I don't remember.

15 Q Were any of the Admirals or Generals or any

16 of the Military in uniform in that

17 autopsy room?

18 A Yes.

19 Q Were there any other Generals in uniform?

20 A I remember a Brigadier General of the Air Force,

21 but I don't remember his name.

22 Q Were there any Admirals in uniform in the

23 autopsy room?

24 A From what I remember, Admiral Galloway was in

25 uniform, Admiral Kinney was in uniform, I

W1/N8

8

1 don't remember whether or not Admiral  
2 Berkley, the President's physician, was  
3 in uniform.

4 Q Colonel, in answer to one of the questions  
5 Mr. Dymond on direct examination asked  
6 you, you spoke of your opinion as to the  
7 sequence of shots after you saw the  
8 Zapruder film. Is that correct?

9 A Yes.

10 Q And it was your opinion that the sequence of  
11 shots was such that the President was  
12 hit in the back area first and then in  
13 the head area secondly. Is that basically  
14 correct?

15 A Yes, the first shot in the back of the neck  
16 and the second shot in the back of the  
17 head.

18 Q Now, did you know, sir, at that particular time  
19 that you formed your opinion on the se-  
20 quence of shots from the Zapruder film,  
21 that during the reconstruction of the  
22 assassination, that not one expert or  
23 anybody had performed the alleged feat  
24 of shooting the shot from the Texas School  
25 Book Depository in the span of time as it

W1/N9

9

1 had been alleged, were you aware of that?

2 MR. DYMOND:

3 We object, the Doctor was not in Dallas at  
4 the time of reenactment. As a matter  
5 of fact, I think he said he never  
6 had been to Dealey Plaza.

7 MR. OSER:

8 I was asking, Your Honor, whether or not  
9 he had this knowledge of his own  
10 mind in order for him to arrive at  
11 the sequence of events.

12 THE COURT:

13 Break the question down.

14 MR. DYMOND:

15 It would have to be hearsay if he was  
16 not there.

17 THE COURT:

18 I am going to rule it out.

19 MR. OSER:

20 We have had a lot of hearsay.

21 THE COURT:

22 When you had a chance to study the Zapruder  
23 film, you had access at that time,  
24 access to the information, as one of  
25 the co-authors of the autopsy report,

1/N10

you either did or you didn't.

10

THE WITNESS:

I had access to other reports as I remember, but pertaining to examination of the bullets and fragments.

BY MR. OSER:

Q Do you have any notes in regard to the reconstruction done by the Federal Bureau of Investigation?

A As I remember, --

MR. DYMOND:

We object again, Your Honor. This is the rankest form of hearsay.

THE COURT:

I overrule the objection. He is an expert and we have had his opinion based on hearsay reports. I will permit the question under the circumstances.

MR. DYMOND:

To which ruling Counsel reserves a bill of exception, making the question, the answer, the entire testimony, the objection, the reason for the objection, the ruling of the Court, parts of the bill.

W1/N11

11

1 BY MR. OSER:

2 Q Can I have that answer to my question, Your  
3 Honor, please.

4 THE COURT:

5 Yes, answer the question.

6 THE WITNESS:

7 As I remember, I found out about these  
8 reconstructions and tests when I read  
9 the Warren Report when it was pub-  
10 lished in September, 1964, to the  
11 best of my recollection.

12 BY MR. OSER:

13 Q Now, Colonel, in regard to your autopsy report,  
14 November, 1963, how much time did you  
15 spend on this particular report and its  
16 preparation?

17 A I cannot give you an exact figure. As I re-  
18 member I was called by Dr. Humes who had  
19 prepared this report and he read it over  
20 to me at the Bethesda Hospital, and I  
21 would say I spent several hours with him  
22 and Dr. Boswell at the Bethesda Hospital  
23 before we signed it on Sunday, 24  
24 November, 1963.

25 Q And did you have an occasion to read over the



W1/N12

1 final draft, the one that you signed,  
2 Colonel?

3 A I did.

4 Q And you agree with everything that is contained,  
5 I believe, in that particular report of  
6 November, 1963, that you signed?

7 A Essentially I do.

8 Q And, Colonel, you read this report as you  
9 indicate and discussed it for several  
10 hours, can you tell me, Colonel, on Page 2,  
11 why the name of Governor John B. Connally  
12 is spelled C-o-n-n-o-l-l-y when it should  
13 be C-o-n-n-a-l-l-y?

14 MR. DYMOND:

15 I object on the grounds of irrelevancy,  
16 Your Honor. He has not been qualifie  
17 as an expert in spelling.

18 THE COURT:

19 We had a lot of spelling yesterday in the  
20 record.

21 Do you know how to spell Governor  
22 Connally's name?

23 THE WITNESS:

24 There should be an "a."

25 THE COURT:

W1/N13

1 C-o-n-n-a-l-l-y, it should be an "a"?

2 MR. OSER:

3 That's all.

4 THE COURT:

5 Mr. Dymond?

6 REDIRECT EXAMINATION

7 BY MR. DYMOND:

8 Q Dr. Finck, did anyone give you any orders as  
9 to what opinion you should render in  
10 this report?

11 A No.

12 Q Would you have accepted any orders as to what  
13 opinion, professional opinion, you should  
14 render?

15 A No.

16 Q Now, Doctor, in the course of performing an  
17 autopsy and determining the cause of  
18 death which is more beneficial to the  
19 performer of that autopsy, the viewing of  
20 photographs or the viewing of the actual  
21 subject of the autopsy?

22 A They supplement each other. There is a reason  
23 for giving the description of what you  
24 see to make a record of what you see your-  
25 self, and the photographs have the advant-

1/N14

1 age of giving visual results of what you  
2 see after the wounds are no longer availa-  
3 ble and the body is no longer available.  
4 These things supplement each other and as  
5 a rule in the autopsy report there are  
6 gross descriptions supplemented by photo-  
7 graphs, but not always, you will not have  
8 photographs in all autopsy reports.

9 Q Doctor, from the standpoint of gathering the  
10 necessary information for the purpose of  
11 your arriving at a conclusion in connec-  
12 tion with a death, which is more important  
13 to the doctor who is gathering that in-  
14 formation, seeing photographs of the  
15 cadaver or seeing the cadaver itself?

16 A The cadaver itself is the most important thing  
17 to see.

18 Q Now, did you have available to you prior to  
19 drawing your original autopsy report the  
20 X-rays of the body of the late President  
21 Kennedy?

22 A We did.

23 NO HIATUS HERE.  
24  
25

W2/P1

Q When were these X-rays taken and when were they made available to you?

A When I arrived at the hospital at approximately 8:00 o'clock at night on the 22nd of November, 1963 X-rays of the head had been taken prior to my arrival, and Dr. Humes had told me so over the phone when he called me at home, asking me to come over. After I found the wound of entry in the back of the neck, no corresponding exit, I requested a whole body X-ray, the purpose of having whole body X-rays of an autopsy is to be sure there is no -- in a case like that, no bullet in some part of the body that would remain there, leave with the body and nobody would know that it was there, that is the reason for X-rays, because X-rays will reveal the presence of a bullet, the presence that no operation or autopsy, as complete as it may be, may definitely reveal, was my reason for those body X-rays.

Q Did you get the whole body X-rays?

A I requested them, and we waited, I would say,

W2/P2

16

an hour or more for these whole body X-rays, and they were interpreted by a radiologist of the Bethesda Hospital who had reviewed those, so the X-rays of the head showing numerous fragments, but he stated that there was no entire bullet remaining in the cadaver, there were fragments, metallic fragments in the head, but there was no bullet in that cadaver.

Q Was all this before you wrote your autopsy report?

A Yes.

Q Referring to "Exhibit S-69 and S-70," which appear on the Board over there and which are blow-ups of smaller exhibits of the same nature which the Defense has exhibited and offered into evidence, do the sketches purport to be scale drawings?

A No.

Q Now, under whose supervision were the sketches made?

A Under the supervision of Dr. Humes.

Q Was he one of the doctors who joined with you in performing the autopsy and signing the autopsy report?

W2/P3

17

1 A It was the Pathologist in charge of the  
2 autopsy.

3 Q Now, when you say they were drawn at his direc-  
4 tion, what part did Dr. Humes play in  
5 this, if you know?

6 A As far as I know, Dr. Humes gave the results  
7 of our observations at the time of the  
8 autopsy to a Navy enlisted man who made  
9 the drawings in the preparation of our  
10 testimony before the Warren Commission in  
11 March of 1964.

12 Q Now, Doctor, you have testified with reference  
13 to S-69 that you did not dissect the track  
14 of that bullet through the President's  
15 neck. Is that correct?

16 A That is correct.

17 Q Why did you not dissect it, was it necessary or  
18 not?

19 A Well, this creates a great deal of mutilation  
20 to dissect, and we limited our examination  
21 in that respect, not to create unnecessary  
22 mutilation of the cadaver. I was satisfied  
23 with the aspect of the wound of entry in  
24 the back of the neck, a bruise in the upper  
25 part of the lung and the lining of the

w2/P4

18

chest cavity which is called the pleura,  
and I did not do any extensive dissection  
along the bullet path.

Q Was this mutilation of the remains of  
President Kennedy necessary in order for  
you to gather enough information as to  
satisfy yourself as an expert as to the  
path of that bullet?

A I did not consider dissection at that time.

Q I say was it, was dissection necessary in order  
for you to get enough information to  
satisfy yourself as to the path of the  
bullet?

A I don't know what it would have shown. I can't  
say it was necessary.

Q You cannot say it was necessary, you say?

A I don't know.

Q Well, did you form a firm opinion as to the  
path of the bullet which you say entered  
the President's back?

A Oh, yes.

Q How did you form that opinion?

A There was a wound with regular edges, they were  
inverted, and they had the characteristics  
of a wound of entry.

W2/P5

1 Q Is that a firm opinion?

2 A It is a firm opinion that the wound in the  
3 back of the neck was a wound of entry,  
4 without a dissection.

5 Q Now, Doctor, did you ever have occasion to  
6 perform any examinations of the wounds  
7 of Governor Connally of Texas?

8 A No, I never met Governor Connally.

9 Q Now, yesterday under cross-examination you were  
10 asked whether you had not testified before  
11 the Warren Commission that "Commission  
12 Exhibit No. 339" which has been marked  
13 for identification "State-64" could not  
14 have gone through the wrist of Governor  
15 Connally. Is that what you testified to,  
16 and, if not, I wish you would explain what  
17 you did testify to in that connection.

18 A I testified before the Warren Commission that  
19 this bullet, "Commission Exhibit No. 399,"  
20 or S-64 did not disintegrate and there  
21 were too many fragments in the wrist of  
22 Governor Connally to be compatible with  
23 an injury caused by such a bullet.  
24 As I remember, I made that statement  
25 because I was referring to metallic



W2/P6

1 fragments to the best of my recollection, 2  
2 a word which I don't see in my testimony  
3 before the Warren Commission. I don't  
4 think that such a bullet having lost such  
5 little weight could cause a wound in the  
6 wrist in which many metallic fragments are  
7 seen.

8 Q Did you have occasion to examine X-rays of  
9 Dr. Connally's wrist or not?

10 A I don't remember, sir.

11 MR. OSER:

12 I think it is Governor Connally.

13 MR. DYMOND:

14 Governor Connally, that's right.

15 THE WITNESS:

16 I may have had the reports at the time of  
17 our testimony before the Warren  
18 Commission regarding the injuries of  
19 Governor Connally, but I don't recall  
20 seeing X-rays or photographs of  
21 Governor Connally.

22 BY MR. DYMOND:

23 Q Now, Doctor, you testified yesterday on  
24 Cross-Examination that under certain con-  
25 ditions the wound of entrance in a fleshy

W2/P7

1 area can be larger than the wound of  
2 exit. Is that correct?

3 A It could be.

4 Q Does the same apply to a skull wound or a  
5 projectile going through the skull under  
6 those circumstances, can the wound of  
7 exit be smaller than the wound of  
8 entrance?

9 A Most of the time when the bullet goes through  
10 bone, in and out, in a through-and-through  
11 wound, the wound of exit is larger than  
12 the wound of entry, the reason being that  
13 the bullet often disintegrates, creates  
14 fragments, producing a larger wound.

15 Q Now, Doctor, when an individual is hit in a  
16 fleshy area, that is an area not backed up  
17 by bone, and is hit by a high velocity  
18 bullet, is it possible for there to be  
19 some stretching of the skin in connection  
20 with the penetration and a retraction of  
21 the skin after the penetration?

22 A Definitely. Very often the skin retracts after  
23 the passage of the bullet to some extent.  
24 The skin is more elastic, the tissue, then  
25 bone, it is a very common finding to find

W2/P8

22  
some retraction of skin after the passage  
of a bullet, the position of the bullet  
in relation to the target will have an  
influence on the shape of the wound, of  
course.

Q Now, Doctor, referring to State Exhibit-68,  
and more particularly the sketch on the  
lower portion of this, and the red dot  
which you placed on the right-hand figure  
of that sketch, does that purport to  
represent accurately the location of the  
back head wound as described in the  
reviewing pathological report of 1968?

A It does not, and let me explain this. I was  
asked yesterday by Mr. Oser to place a  
wound 4 inches or 100 millimeters,  
approximately, above the external occi-  
pital protuberance. The reason for doing  
so was that in the 1968 panel, P-A-N-E-L,  
in the chapter entitled "X-rays," this  
is S-72 on page 11, you will find this  
figure of 100 millimeters above the  
external occipital protuberance, but in  
the first line of that paragraph you see  
the word "films" on one of the lateral

W2/P9

23

1 films of the skull, a hole measuring  
2 approximately 8 millimeters in diameter  
3 on the outer surface of the skull and as  
4 much as 20 millimeters on the external  
5 surface can be seen in profile approxi-  
6 mately 100 millimeters above the  
7 external occipital protuberance, so this  
8 measurement of 100 millimeters or 4 inches  
9 refers to a measurement made on X-ray  
10 film and not on the photographs or skull  
11 itself. I saw that wound of entry in the  
12 back of the head at approximately 1 inch  
13 or 25 millimeters to the right and slightly  
14 above the external occipital protuberance,  
15 and it was definitely not 4 inches or 100  
16 millimeters above it, so I was asked to  
17 put on the drawing a measurement coming  
18 from the X-ray measurement.

19 Q Now, Doctor, when you take an X-ray picture of  
20 an individual or individual's head, does  
21 the size of that X-ray picture coincide  
22 exactly with the size of the individual's  
23 head?

24 A It does not. There is a distortion, there is a  
25 change in size related to the distance

W2/P10

24

1 between the X-ray tube and the film.

2 There are many technical factors that  
3 the X-ray film you see does not give a  
4 scale reproduction of the subject.

5 Q Now, Doctor, the measurement that you have  
6 related as to the location of the wounds  
7 on President Kennedy, did you take those  
8 measurements from the actual cadaver it-  
9 sel f?

10 A I did.

11 Q Do the locations of the wounds as pointed out  
12 yesterday by you on the back of  
13 Mr. Wegmann's shirt by a pen mark and on  
14 the back of my head with a finger coincide  
15 with the measurements that you actually  
16 took from the cadaver?

17 A Yes.

18 Q Now, Doctor, referring again to this blow-up,  
19 "Commission Exhibit 385," which is "State  
20 Exhibit-69," with respect to the angle of  
21 the wound in the President's neck, would  
22 that angle be affected by his leaning  
23 either forward or backward at the time he  
24 was hit?

25 A To some extent, yes.

W2/P11

25

1 Q Referring to State Exhibit No. 60, State  
2 Exhibit No. 70 which is a blow-up of  
3 Commission Exhibit 388, with the direction  
4 of the President's head, that is whether  
5 it were turned to one side or the other,  
6 or straight ahead, affect the angle of  
7 entrance of the bullet which went into  
8 the back of his head, I mean the angle  
9 through the head of that bullet?

10 A Yes, it would, to some extent.

11 Q Now, Doctor, you testified that you did not  
12 conduct an examination of the left half  
13 of the brain of President Kennedy. Is  
14 that correct?

15 A At the time, when we signed the autopsy report  
16 the brain was still preserved in formula,  
17 which is a hardener, for future studies.  
18 The brain was examined after the autopsy  
19 report was signed and you will find this  
20 examination in the supplementary autopsy  
21 report signed by Dr. Humes.

22 Q Did Dr. Humes ultimately render a supplementary  
23 report covering the President's brain?

24 A He did, and you will find it on page 987 of  
25 Volume XVI of the hearings before the

W2/P12

26

1 President's Commission on the Assassina-  
2 tion of President Kennedy, it is  
3 Commission Exhibit No. 391, this report  
4 was forward on 6 December, 1963, by  
5 Dr. Stover.

6 Q Now, Doctor, what was the purpose of the  
7 autopsy which you and Dr. Humes and  
8 Dr. Boswell conducted?

9 A The purpose of the autopsy was to determine the  
10 nature of the wounds and the cause of  
11 death. When we signed the autopsy report  
12 we were satisfied with the nature of the  
13 wounds, the direction, and the cause of  
14 death. This was the purpose of the  
15 autopsy, and in my opinion this autopsy  
16 report fulfills this mission.

17 Q Now, Doctor, as a result of having performed an  
18 autopsy, to what firm opinions did you  
19 arrive?

20 A At the time we signed the autopsy report --

21 Q That is correct.

22 A -- I had the firm opinion that there was a  
23 wound of entry in the back of the neck,  
24 a wound of exit in the front of the neck,  
25 which had been included in a tracheotomy

W2/P13

27

1 incision, a wound of entry in the back  
2 of the head and a wound of exit on the  
3 right side of the head. The head wound  
4 was the fatal wound, we had the cause of  
5 death.

6 Q As of this date, Doctor, have you gotten any  
7 information which has caused you to change  
8 those firm opinions?

9 A No.

10 MR. DYMOND:

11 We tender the witness.

12 RE-CROSS-EXAMINATION

13 BY MR. OSER:

14 Q Colonel, in referring to State Exhibit-68,  
15 the autopsy descriptive sheet, can you tell  
16 me whether or not the mark placed on the  
17 rear portion or the rear diagram of a body  
18 which is indicated with the arrow and  
19 marked ragged, slanting 15 x 6 millimeter,  
20 can you tell me whether or not this spot  
21 on this diagram corresponds to a position  
22 on the head of 1 inch, approximately 1  
23 inch above the external occipital protuber-  
24 ance or does it apply to 100 millimeters  
25 above the external occipital protuberance?



W2/P14

1 A It refers to an approximate location on this  
2 drawing and it refers to the wound I saw  
3 at 1 inch from the external occipital  
4 protuberance.

5 Q All right.

6 A It was definitely not 4 inches or 100 millimeters  
7 above it.

8 Q Does that report of the panel show or make any  
9 reference to a hole in the President's  
10 head approximately 1 inch in the vicinity  
11 of the external occipital protuberance?

12 A I haven't seen that.

13 Q Now, I believe you told Mr. Dymond that at the  
14 time, preparing your original autopsy  
15 report of November 1963, that all the  
16 X-rays were available to you. Is that  
17 correct?

18 A I had seen them in the -- I had seen the X-ray  
19 films of the head and the radiologist had  
20 reviewed the whole body X-rays before we  
21 prepared, before we signed the autopsy  
22 report.

23 Q Do you know whether or not the X-rays that you  
24 viewed were all of the X-rays that were  
25 taken?

W2/P15

29

1 A Well, here again, this review was made by the  
2 radiologist, I am not a radiologist and  
3 a qualified man to look at the X-rays  
4 was the Bethesda radiologist. He did it  
5 at our request and he said there was no  
6 bullet remaining in the cadaver.

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25  
NO HIATUS HERE.

W3/N1

30

1 Q I believe you said, Colonel, there was a  
2 radiologist present during the 1968  
3 panel report. Is that correct?

4 A Yes, one of these four names is a radiologist.

5 Q Do you know, Colonel, whether or not to your  
6 knowledge that two rolls of the X-ray  
7 film taken of the President on the  
8 autopsy table did not come out?

9 A To my knowledge, the film that did not come  
10 out were gross photographs, --

11 Q Do you know whether --

12 A Not X-ray films.

13 Q Do you know whether or not all of the X-ray  
14 films came out or not, to your knowledge?

15 A To my knowledge, they came out all right.

16 Q Now, if, Colonel, you viewed the X-ray film  
17 of the head or had been viewed by a  
18 radiologist, can you tell me why there  
19 was no mention in your report of a three-  
20 quarter by one-half inch rectangular  
21 shaped object in the President's brain?

22 A No.

23 Q Can you tell me why there is nothing in your  
24 report making mention of metallic substances  
25 in the track?

W3/N2

31

1 A Before you go to that second question, if I  
2 may say something, in that panel review  
3 of 1968 there was a rectangular structure  
4 and they say it is not identifiable to  
5 this panel.

6 Q If it was there, Colonel, in the X-rays, would  
7 you say it was there in the brain at the  
8 time of the autopsy?

9 MR. DYMOND:

10 What page are you referring to, Doctor,  
11 what page are you referring to?

12 MR. OSER:

13 The panel of 1968, the pages are not  
14 numbered.

15 THE WITNESS:

16 That is "S-72."

17 MR. OSER:

18 Page 8, Mr. Dymond.

19 THE WITNESS:

20 "There can be seen a gray-brown rectangular  
21 structure measuring approximately  
22 13 by 20 milimeters, its identity  
23 cannot be established by the panel."  
24 I don't know what this refers to.

25 BY MR. OSER:

W3/N3

32

1 Q Did you see such at the time of your autopsy,  
2 did you see such a substance in the brain  
3 of the President?

4 A I don't remember.

5 Q I believe you told Mr. Dymond, Colonel, the  
6 reason you did not dissect the track of  
7 the bullet through the throat was because  
8 you did not want to mutilate the body of  
9 the President. Is that correct?

10 A I did not consider this dissection --

11 Q Did you or did you not tell Mr. Dymond a  
12 few moments ago that you did not dissect  
13 the track of the President's throat be-  
14 cause of the mutilation of the body that  
15 would result?

16 A Yes, I did say that.

17 Q And you also told me yesterday you were told  
18 not to go into the throat area?

19 A Yes, I don't remember the details about this,  
20 who said what.

21 Q You were told?

22 A From what I remember.

23 Q And you did not do it?

24 A We did not remove the organs of the neck,  
25 obviously.

W3/N4

33

1 Q Describe to me what you did with the body in  
2 autopsy, what did you do with the body  
3 and how did you perform this autopsy?

4 A Please repeat your question, I did not hear it.

5 Q Will you describe for me what incisions you made  
6 into the body of the President.

7 A I did not make the incisions into the body, as  
8 I recall I was called to examine the wounds  
9 and the incisions were made by the other  
10 two pathologists who performed the  
11 autopsy, Dr. Humes and Dr. Boswell, and  
12 who signed this autopsy report. My role  
13 in this autopsy was to emphasize the  
14 wounds, to examine the wounds, that is why  
15 I was called.

16 Q Well, Colonel, you were present at the autopsy  
17 room, were you not, the entire time?

18 A I arrived after the -- a short time after the  
19 beginning of the autopsy.

20 Q Did you or did you not see the chest cavity of  
21 the President open?

22 A Yes, I did, and there was a bruise, there was  
23 a bruise in the upper part of the chest  
24 cavity, a bruise produced by the bullet  
25 that entered in the back of the neck.

W3/N5

34

1 Q Did you or did you not see the scalp and  
2 head area of the President open at  
3 autopsy?

4 A I saw the skull and the scalp of the President  
5 open.

6 Q And during autopsy, am I not correct that the  
7 standard operating procedure is a Y in-  
8 cision down to this area (indicating),  
9 and then another incision down in the  
10 rib cage to expose -- so you can get to  
11 the vital organs of the body you are per-  
12 forming the autopsy on?

13 A The usual Y-shaped incision is made, I don't  
14 remember making that incision because I  
15 again was not the pathologist performing  
16 the autopsy.

17 Q You saw the President on the table after the  
18 incision had been made, did you not?

19 A Yes.

20 Q And you are telling me that you did not go into  
21 the throat area because you did not want  
22 to mutilate the body, is that correct?

23 MR. DYMOND:

24 I think he answered that three times.

25 BY MR. OSER:

3/N6

1 Q NOW, Colonel, also along the line of the  
2 dissecting of the throat area, you were,  
3 at the time of the autopsy, on that night  
4 I believe puzzled by what you found be-  
5 cause you found no exit wound at that  
6 time of the hole you found in the back.  
7 Is that correct?

8 A It is.

9 Q I believe you answered Mr. Dymond before that  
10 you were not taking orders from anybody  
11 in the autopsy room. Is that right?

12 MR. DYMOND:

13 I think that is a misquotation of the  
14 witness.

15 MR. OSER:

16 I asked the Colonel whether or not he  
17 told Mr. Dymond on redirect examina-  
18 tion that he was not taking orders  
19 from anybody in the autopsy room.

20 MR. DYMOND:

21 I asked the witness on redirect whether  
22 anybody gave him any orders as to what  
23 his professional opinion should be.

24 MR. OSER:

25 Your answer was no, is that correct,



W3/N7

Colonel?

THE WITNESS:

Right.

BY MR. OSER:

Q But you did take orders and did not dissect the throat area?

A Well, these are not direct orders, these are suggestions and directions. I was not told, "I give you a direct order" or that sort of thing.

Q And at the time, Colonel, you were a Lieutenant Colonel, were you not?

A Yes.

Q And there were Admirals and Generals in that room, were there not?

THE COURT:

We are going over the same thing.

MR. OSER:

Orders were brought up on redirect.

MR. DYMOND:

We object on the grounds --

THE COURT:

I sustain the objection, repetitious.

MR. OSER:

That's all.

W3/N8

37

1 THE COURT:

2 Is Dr. Finck released from the obligation  
3 of his subpoena?

4 MR. DYMOND:

5 He is.

6 At this time may we have five minutes?

7 We have a couple of witnesses whom  
8 we are expecting.

9 THE COURT:

10 Take the Jury upstairs.

11 We will have a recess.

12 (Whereupon, a brief recess was taken.)

13  
14  
15  
16 NO HIATUS HERE.  
17  
18  
19  
20  
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23  
24  
25

C E R T I F I C A T E

I, the undersigned, Paul W. Williams, do hereby  
certify:

That the above and foregoing (37 pages of type-  
written matter) is a true and correct transcription  
of the stenographic notes of the proceedings had herein,  
the same having been taken down by the undersigned and  
transcribed under his supervision, on the day and date  
hereinbefore noted, in the Criminal District Court for  
the Parish of Orleans, State of Louisiana, in the matter  
of the State of Louisiana vs Clay L. Shaw, 198-059 1426  
(30) Section C on the 25th day of February, 1969, before  
the Honorable Edward A. Haggerty, Jr., Judge, Section  
"C", being the testimony of Pierre A. Finck, M. D.

New Orleans, Louisiana, this 25th day of February,  
1969.

*Paul W. Williams*

PAUL W. WILLIAMS

000038

## CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

\* \* \* \* \*

STATE OF LOUISIANA

versus

CLAY L. SHAW

\* \* \* \* \*

198-059

14:26 (30)

SECTION "C"

EXCERPT FROM THE PROCEEDINGS OF  
TUESDAY MORNING, FEBRUARY 25, 1969

B E F O R E :

*Testimony of Dean Andrews*  
*162 pages*

THE HONORABLE EDWARD A. HAGGERTY, JR.

JUDGE, SECTION "C"

*Closing to this  
day as parently  
not known.***Dietrich & Pickett, Inc.**  
*Stenotypists*333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130-522-3111

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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DEAN A. ANDREWS, JR.	7	17		
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E X H I B I T S

<u>EXHIBIT NO.</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>RECEIVED</u>
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S-67		2	2
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-71		2	2
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ph. W1

1 AFTER THE RECESS:

2

2 MR. OSER:

3 At this time, Your Honor, the State wishes  
4 to offer, introduce and file into  
5 evidence that which has previously  
6 been marked for purposes of identi-  
7 fication "S-67" and "-71," the two  
8 reports signed by Colonel Finck.

9 MR. DYMOND:

10 I call Mr. Dean Andrews, please.

11 THE COURT:

12 Mr. Zelden, have a seat like everybody  
13 else.

14 MR. ALCOCK:

15 May we approach the bench?

16 THE COURT:

17 Yes, you certainly may.

18 (Discussion off the record.)

19 THE COURT:

20 Sheriff, take the Jury in my chambers for  
21 a few moments.

22 (Whereupon, the Jury was removed.)

23 MR. ALCOCK:

24 Your Honor, I would respectfully request  
25 this Court to first ascertain whether

1 or not Mr. Andrews has an attorney  
2 present in court with him, and if he  
3 has, to have his attorney advise him  
4 of his Constitutional rights, and if  
5 he has not, have The Court advise him  
6 as to his Constitutional rights or  
7 the fact that this man has been con-  
8 victed for perjury on this matter,  
9 that case is presently before the  
10 Louisiana Supreme Court and there is  
11 pending another perjury case dealing  
12 with this same subject matter. In  
13 all fairness to Mr. Andrews, I think  
14 he should have advice of counsel.

15 THE COURT:

16 Do you have an attorney you wish to be  
17 present with you before we proceed  
18 with this matter?

19 MR. ANDREWS:

20 My attorney is present in court, Your  
21 Honor, Mr. Michael Barry. He is my  
22 associate in the practice of law.

23 THE COURT:

24 Is he present in court?

25 MR. ANDREWS:

1 Yes, Your Honor.

2 THE COURT:

3 Step up, Mr. Barry.

4 Just have a seat here for a  
5 moment.

6 I would like to make a prelimin-  
7 ary statement.

8 As you well know -- just have a  
9 seat there, sir. As you know, the  
10 fact that you are called as a witness  
11 in a case, that does not all of a  
12 sudden take away from your  
13 Constitutional privileges under the  
14 State Constitution. You cannot be  
15 forced to incriminate yourself by  
16 answers. Under Louisiana jurisprudence,  
17 you cannot be asked have you been  
18 arrested or charged, you can only be  
19 asked have you been convicted. The  
20 fact that you are on appeal, I will  
21 not permit the question to be asked  
22 have you been convicted because it  
23 is not a final matter, it is still in  
24 the process of being appealed.

25 With respect to other matters



[REDACTED]

5

1 that you know as a factual nature,  
2 that is the question to be determined  
3 whether you will or will not answer  
4 these questions. You may take the  
5 position on a given question that  
6 you refuse to answer on the grounds  
7 that it may incriminate you and  
8 subject you to a future criminal  
9 prosecution, I will have to rule on  
10 it whether it will or will not, but  
11 the question whether or not they can  
12 ask you, a question of character, of  
13 your credibility, they cannot ask you  
14 have you been charged or have you been  
15 indicted or have you been arrested,  
16 the only question they could ask you  
17 if have you been convicted, and I will  
18 advise both the State and Defense I  
19 will not permit that question to be  
20 asked of Mr. Andrews because the  
21 conviction is not final. It is on  
22 appeal to the State Supreme Court  
23 and could possibly be appealed from  
24 the State Supreme Court to the  
25 United States Supreme Court, so I would

1                   like to know if Mr. Barry would like   6  
2                   to confer with you to add to any-  
3                   thing I may have said.

4           MR. BARRY:

5                   We have previously conferred, Your Honor.

6           THE COURT:

7                   Do you feel that Mr. Andrews is ready to  
8                   proceed with the trial?

9           MR. BARRY:

10                   Ready to proceed, Your Honor.

11          THE COURT:

12                   You will be in the Jury's place there,  
13                   just have a seat here (indicating).

14          MR. DYMOND:

15                   We will have no objection to having  
16                   Mr. Barry sit along the side of  
17                   Mr. Andrews.

18          MR. ALCOCK:

19                   Before you bring the Jury back in, I would  
20                   like one minor clarification. I will  
21                   certainly abide by the Court's in-  
22                   struction that I may not ask this  
23                   witness whether or not he has been  
24                   convicted because this conviction is  
25                   on appeal; however, the Court is not

1 making a ruling to the fact that I  
2 may not go into the subject matter  
3 of that conviction?

4 THE COURT:

5 I did not state that.

6 MR. ALCOCK:

7 I just wanted to clarify that.

8 THE COURT:

9 We can get another chair. Don't we have  
10 one here?

11 (Discussion off the record.)

12 THE COURT:

13 Let the record show that out of the  
14 presence of the Jury the witness has  
15 been advised by The Court of his  
16 constitutional rights and is in  
17 attendance with his attorney,  
18 Mr. Michael Barry.

19 You may proceed, Mr. Dymond.

20 ...oOo...

21 DEAN A. ANDREWS, JR.,

22 having been first duly sworn by The Minute Clerk, was  
23 examined and testified as follows:

24 DIRECT EXAMINATION

25 BY MR. DYMOND:

1 Q You are Mr. Dean Andrews?

2 A I am.

3 Q Mr. Andrews, are you an attorney here in the  
4 City of New Orleans?

5 A I am.

6 Q How long have you been engaged in the  
7 practice, sir?

8 A About 18 years.

9 Q Now, Mr. Andrews, referring to November of  
10 1963, and more particularly the 22nd and  
11 the days immediately thereafter, did you  
12 have occasion to be confined in the  
13 hospital here in New Orleans?

14 A I was confined to Hotel Dieu Hospital, I be-  
15 lieve I had double pneumonia.

16 THE COURT:

17 You don't have to volunteer too much, just  
18 simply yes or no.

19 THE WITNESS:

20 Yes.

21 BY MR. DYMOND:

22 Q While in Hotel Dieu Hospital, Mr. Andrews,  
23 did you receive a telephone call of an  
24 unusual nature?

25 A Well, I received a telephone call.

1 Q Would you kindly tell us from whom you received 9  
2 this telephone call.

3 THE COURT:

4 That presumes he knows, does it not?

5 BY MR. DYMOND:

6 Q If you know, Mr. Andrews.

7 A May it please The Court, I have to take two  
8 objections to that question. One --

9 THE COURT:

10 Mr. Andrews, speak a little louder. We  
11 have to get it in the record and we  
12 have to hear it. You may make your  
13 statement.

14 THE WITNESS:

15 One, the attorney-client privilege, and,  
16 secondly, an answer to this question  
17 in relationship to the charge that  
18 is pending, presently pending that  
19 I haven't been tried on yet, might,  
20 may, might, tend, would or could  
21 connect me with the link of circum-  
22 stances which would incriminate me.

23 THE COURT:

24 Let's see now. I have to rule on this.

25 He refuses to answer, one it would

1 violate the attorney-client relation- 10  
2 ship and secondly it could tend to  
3 possibly incriminate him in a  
4 presently pending charge. Is that  
5 it?

6 THE WITNESS:

7 Yes.

8 BY MR. DYMOND:

9 Q With respect to any telephone calls that you  
10 received --

11 THE COURT:

12 I haven't ruled yet. I rule that the  
13 objections that he made are good.

14 You may rephrase your question  
15 if you wish. You may pursue it in  
16 a different vein.

17 BY MR. DYMOND:

18 Q The telephone call that you have said that you  
19 did receive, Mr. Andrews, was that a  
20 long-distance call or a local call?

21 A A local call.

22 Q And when did you receive it, sir?

23 A I don't remember the time.

24 Q Could you tell us approximately what date it  
25 was?

1 A It was the day after the President was assassi- 11  
2 nated, I believe it was a Saturday.  
3 Q That would be November 23. Is that correct?  
4 That particular Saturday was November 23,  
5 that would be correct, yes.  
6 Q Was this call to your knowledge from the  
7 Defendant Clay Shaw?  
8 A No.  
9 Q Have you ever received a telephone call from  
10 Clay Shaw?  
11 A No.  
12 Q Have you ever known Clay Shaw?  
13 A No.  
14 Q Have you ever been introduced to him?  
15 A No.  
16 Q When was the first time that you ever saw  
17 Clay Shaw, Mr. Andrews?  
18 A When I saw his picture in the paper in connec-  
19 tion with the investigation.  
20 Q Now, as a result of receiving the phone call  
21 which you said that you did receive, what  
22 if anything did you do, sir?  
23 A As I recall, I waited a while, I called my  
24 secretary, Mrs. Springer, to see if she  
25 could remember a file that we had on a

1 Lee Oswald who was a walk-in to the of-  
2 fice sometime in May or maybe the early  
3 part of June, I don't recall, Lee Oswald  
4 had consulted my office approximately  
5 four or five times in relation to some  
6 legal problems.

7 THE COURT:

8 Speak into the microphone, please.

9 BY MR. DYMOND:

10 Q After calling your office, did you do anything  
11 else?

12 A I did not call my office; I called my  
13 secretary.

14 Q Well, --

15 A She was at home.

16 Q After calling your secretary, did you do any-  
17 thing else?

18 A I believe my office investigator came to visit  
19 me and we talked about whether or not he  
20 remembered Lee Oswald.

21 Q Did you make any other phone calls in connec-  
22 tion with the call which you say you had  
23 received?

24 A On what day?

25 Q Either on the date that you received it or the



2 A The following day, I believe it would be a  
3 Sunday, I believe I called Monk Zelden  
4 at the NOAC and spoke to Monk.

5 Q What did you tell Mr. Zelden?

6 A I don't recall, it was in connection with Lee  
7 Harvey Oswald, but I don't recall the  
8 context of the conversation.

9 Q Could you tell us the purpose of your call to  
10 Mr. Zelden, sir?

11 A I believe the purpose of the call was that if,  
12 since I was in the hospital, would Monk  
13 be interested in going to Dallas and  
14 possibly representing Lee Harvey Oswald.

15 Q Now, at any time after receiving the call that  
16 you received while in the hospital, did  
17 you have occasion to have a conference  
18 with Mr. Regis Kennedy of the F.B.I.?

19 A I don't recall it that way, Mr. Dymond.

20 Q Will you tell us how you recall whatever  
21 happened in connection with Mr. Kennedy.

22 A I think on Monday I called Mr. Kennedy to let  
23 him know that Lee Harvey Oswald had been  
24 in New Orleans during the summer or  
25 spring of 1963, and I don't recall his

answer, I also called Mr. Rice, the head of the Secret Service, gave him the same information, they didn't appear too much interested.

Q At any time after making these calls, did you see Mr. Kennedy?

A I recall seeing Mr. Kennedy in my room in Hotel Dieu, I think about two, maybe two and a half hours after I made the phone call.

Q Now, at the time that you saw Mr. Kennedy, what was your condition, that is, your physical condition as such?

A He woke me up. I was under sedation, he woke me up from a sleep, I was under sedation.

Q Do you recall seeing Mr. Kennedy any more than once?

A All I recall is he said he wants -- he was apparently there more than once, but my memory was one time.

Q The first time that you saw Mr. Kennedy was the first time that you were under sedation, or were you under sedation regularly after that?

A Regularly.

Q During the course of your conversation with

1 Mr. Kennedy, did you furnish him with a  
2 fictitious name identifying the person  
3 from whom you had received the phone call  
4 while you were in Hotel Dieu?

5 A I respectfully decline to answer that question  
6 for the reason that it may, might tend to  
7 link me up with the chain of circumstances  
8 that may result in being used as evidence  
9 against me in the pending charge.

10 MR. DYMOND:

11 Does Your Honor want me to wait until you  
12 rule on that?

13 THE COURT:

14 It is not attorney-client, it is --  
15 this is claiming that there is a  
16 possibility his answer may or may  
17 not or could link him up with a  
18 chain of circumstances which could  
19 be used as evidence against him. I  
20 will sustain it, yes.

21 BY MR. DYMOND:

22 Q In the course of your conversations with  
23 Mr. Kennedy, W. . Andrews, did you ever  
24 use the name Clay Bertrand?

25 A Yes.

1 Q Is or was this Defendant Clay L. Shaw the Clay 16  
2 Bertrand to whom you were referring?  
3 A No.  
4 Q Without asking you who he was, do you know who  
5 the Clay Bertrand to whom you are referring  
6 is or was?  
7 A I believe I do.  
8 Q Did you know David Ferrie, Mr. Andrews?  
9 A I knew him slightly.  
10 Q Did you ever see David W. Ferrie in the company  
11 of the Defendant, Clay Shaw?  
12 A I never seen Clay Shaw.  
13 Q Did you ever see David W. Ferrie in the company  
14 of Lee Harvey Oswald?  
15 A No.  
16 Q Did you ever hear David W; Ferrie mention the  
17 name Clay Shaw?  
18 A No.  
19 Q Did you ever hear Lee Harvey Oswald mention  
20 the name Clay Shaw?  
21 A No.  
22 Q Did you ever hear David W. Ferrie mention the  
23 name Lee Harvey Oswald or Lee Oswald?  
24 A No.  
25 MR. DYMOND:

1 We tender the witness.

2 CROSS-EXAMINATION

3 BY MR. ALCOCK:

4 Q Would you tell us the first time that you  
5 saw Lee Harvey Oswald in the City of  
6 New Orleans.

7 A I would have to guess. It would be in the  
8 spring or the summer of '63, quarter  
9 after 5:00, 5:30 in the afternoon, the  
10 day I don't recall.

11 Q Do you recall it having been in the month of  
12 May rather than June, or can you be  
13 specific enough to pin it down to a  
14 month?

15 A It would be in the latter part of April, when  
16 I first saw him, as I recall it he visited  
17 the office four or five times.

18 Q Now, in his first occasion, was he accompanied  
19 by anyone?

20 A I assumed he was, I don't know that to be a  
21 fact.

22 Q Well, on what did you base this assumption?

23 A Three people entered the office first, the  
24 person who I met at that time was Lee  
25 Oswald, he came in second, and a Cuban-type

1 or what I call a Mex came in last.

2 Q Well, how long were these three persons who  
3 entered first in the office before Oswald  
4 entered?

5 A Oh, maybe 10 or 15 minutes, I don't know, it  
6 has been so long ago.

7 Q How long was Oswald in the office before the  
8 Mex entered the office?

9 A I didn't understand your question.

10 Q How long was Oswald in the office before the  
11 man you described as the Mex entered the  
12 office?

13 A They both came in at the same time.

14 Q How large an office did you have at the time,  
15 Mr. Andrews?

16 A Tiny, I had a reception room, as you came  
17 straight in the door and my office, to my  
18 right was my secretary's office, and I  
19 think I had a little bitty library, big  
20 enough to hold West's and a few books.

21 Q Did you have occasion to have any conversation  
22 with the three people who entered the  
23 office prior to Oswald's entering?

24 A Yes.

25 Q Were you talking with them at the time Oswald

1 entered?

2 A I am guessing, but I would say no.

3 Q Do you feel that they were -- you said you had  
4 a waiting room or outer office?

5 A They mingled, and then the three came in and  
6 then Oswald and the Mex stayed out in the  
7 waiting room.

8 Q What do you mean they mingled?

9 A Well, people come in the office, they stand  
10 around waiting for somebody to tell them  
11 what to do.

12 Q You mean the three were there for 15 minutes  
13 and no one told them what to do?

14 A That is not my understanding of your question.  
15 My understanding of your question is when  
16 they came in the office, in the numerical  
17 order, the three swishes came into my  
18 office, I mean the three people came into  
19 my office first.

20 Q What do you mean by "swishes"?

21 A Well, they just swished, they swished, they  
22 would walk --

23 THE COURT:

24 You are an attorney, use the legal term  
25 so we will know what you are talking

1                   about instead of trying to make a  
2                   comedy out of your testimony.

3           THE WITNESS:

4                   They appeared to be homosexuals by the  
5                   way they walked.

6           BY MR. ALCOCK:

7           Q     Did they come directly into your office? That  
8                   is my question.

9           A     No, they hesitated because I had to look up,  
10                  can I help you, and the three came in.

11          Q     And then 15 minutes later Oswald appeared with  
12                  the Mex. Is that correct?

13          A     Well, I am guessing at the time, whatever time  
14                  it took them to explain their particular  
15                  problem and a fee would be set and they  
16                  left.

17          Q     I see. Now, had they left prior to Oswald  
18                  coming, if you can recall?

19          A     As they were on their way out, I asked the next  
20                  question, "What can I do for you?" and  
21                  reconstructing this from memory now, as I  
22                  recall, Oswald and the Mex walked in.

23          Q     I see. As far as you know, there was no con-  
24                  nection between the three homosexuals and  
25                  Oswald and the Mex. Is that correct?



1 A I don't know whether there was or not.

2 Q Now, what advice if any did you give Oswald  
3 on that first visit?

4 A I take my attorney-client privilege. I don't  
5 remember, but I take the privilege.

6 Q Was Oswald your client?

7 A At that time.

8 Q Did you ever receive any fee from Lee Oswald?

9 A No.

10 Q Did you ever do any legal work for Lee Oswald?

11 A Other than consulting with him, no.

12 Q Approximately how long did Lee Oswald and this  
13 Latin-type of man remain in your office?

14 A I am guessing. I would say between 10 and 20  
15 minutes.

16 Q 10 to 20 minutes?

17 A Yes.

18 Q Who did all of the talking, or rather let me  
19 clarify that. Did Oswald talk to you?

20 A Yes.

21 Q Did the Latin-type talk to you?

22 A No.

23 Q Did the Latin-type talk at all?

24 A He may have, I don't remember, but I am not  
25 sure.

1 Q Do you recall the Latin-type's name?

2 A No.

3 Q Could you give us a description of him?

4 A Oh, he looked pretty built, I wouldn't want to  
5 tangle with him in a fight.

6 Q Well, can you be a little more specific? Was  
7 he tall, short, thin, stocky?

8 A I would say he was what I called the athletic  
9 type, stocky, well-built, had a butch  
10 crew cut, as I recall he wore a pongee,  
11 a silk shirt, pair of slacks, built real  
12 good.

13 Q Did you see any tattoos on his person?

14 A No.

15 Q Did you see any scars on him?

16 A Not that I can remember.

17 Q What color was his hair?

18 A Black.

19 Q How dark was he?

20 A Oh, I couldn't say, he was the Latin type, had  
21 the appearance to be -- appearance of  
22 Latin-type people.

23 Q Did you ever hear him speak at all?

24 A I don't remember. He could have, he could have  
25 in one of the visits to the office, but I

1 don't remember. He didn't talk to me.

2 Q Do you recall whether or not you did hear him  
3 speak whether he spoke the English lan-  
4 guage or Spanish?

5 A I don't remember.

6 THE COURT:

7 Let me interrupt you a second. Do you  
8 speak Spanish?

9 THE WITNESS:

10 Poco poco, loco, Judge.

11 BY MR. ALCOCK:

12 Q Was this man that you described taller or  
13 shorter than Lee Oswald?

14 A I would say about an inch, maybe two inches  
15 taller.

16 Q Taller?

17 A Yes.

18 Q Approximately how much did he weigh?

19 A I would say 165, 170, a welterweight.

20 Q As a result of this conversation with Oswald,  
21 did you know his name?

22 A Yes, I asked him his name when he came in.

23 Q Now, after this meeting did you have an occasion  
24 to see Oswald again in your office?

25 A Between four and five times.

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1 Q The next time you saw him in your office, ap-  
2 proximately when was that?

3 A On the 1st of May, the first week in May, I  
4 don't know if it is May 1 or not, I don't  
5 recall. I would have to look at the  
6 calendar, but I would say around the first  
7 week in May.

8 Q Was this again in your office?

9 A Yes.

10 Q Where was your office located at that time?

11 A The Maison Blanche Building.

12 Q Was anyone with Oswald on this occasion?

13 A Yes.

14 Q The same man that you described?

15 A I had never seen Oswald, or Lee Oswald as he  
16 identified himself, unless he was in the  
17 presence of this Mexican.

18 Q Now, how long did Oswald remain in your office  
19 on this second occasion?

20 A Approximately the same time.

21 Q And again, without divulging any attorney-  
22 client privilege, was your conversation  
23 generally centered upon the same subject  
24 that it was the first time you talked to  
25 him?

- 1 A I think a new subject was added at that time. 25
- 2 Q Were you acting as his attorney on this occasion
- 3 also?
- 4 A I thought I was. He came back, I guess, on a
- 5 consulting basis, I don't say an attorney
- 6 per se, but he talked --
- 7 Q Do you wish to claim the attorney-client
- 8 privilege on the subject matter of the
- 9 second visit?
- 10 A Yes.
- 11 THE COURT:
- 12 If he wishes to claim it, I will sustain
- 13 his objection.
- 14 THE WITNESS:
- 15 One moment, Your Honor.
- 16 (Witness conferring with Counsel.)
- 17 THE WITNESS:
- 18 I will claim the privilege.
- 19 BY MR. ALCOCK:
- 20 Q Now, was the Latin-type in the office with
- 21 Oswald on the second occasion the entire
- 22 time?
- 23 A Yes.
- 24 Q Approximately how big was your office?
- 25 A The office that I sat in was maybe 10 x 8, our

reception room was --

Q No, just your own office, just your personal office, wherever this interview took place, how large is that office?

A About as wide as your desk there, and what they call one window in the Maison Blanche Building, maybe up to Mr. Dymond's back, the depth, more or less.

Q Now, on this occasion, did you hear the Latin-type speak either to you or Oswald?

A The Latin never spoke to me.

Q Did you hear him speak to Oswald?

A I don't remember, he may have.

Q On this occasion, did you collect any fee for the prior occasion from Oswald?

A No.

Q Had you set a fee as a result of your prior consultation?

A Twenty-five bucks.

THE COURT:

I didn't hear you.

THE WITNESS:

\$25.00, Your Honor.

BY MR. ALCOCK:

Q Is that for the first consultation or the

1 second consultation?

2 A I am pretty sure I did it at the first, but I  
3 am not positive. I believe the fee was  
4 set so that a letter could be transmitted  
5 to Washington, D.C., to require some  
6 papers.

7 Q Did you ever transmit any letter to Washington,  
8 D.C., on behalf of Oswald?

9 A Never got the money, never wrote the letter.

10 Q Now, on this occasion, was anyone else present  
11 besides Oswald and the Latin-type?

12 A Well, my office investigator may have been in  
13 the library on one of these visits, but I  
14 don't recall which one. I don't believe  
15 he had any contact with these people.

16 Q What was Oswald wearing on this occasion?

17 A The first time I saw him, as I recall he had  
18 black pants, a tee-shirt, the rest of the  
19 time I saw him he had a white shirt, cuffs,  
20 open collar, slacks.

21 Q Now, after this visit, when was the next time  
22 you saw Oswald?

23 A I don't remember.

24 Q Was it in your office?

25 A Yes.

1 Q Was it again in connection with legal business? 28

2 A The same subject matter as we talked about  
3 before.

4 Q Was the Latin type still with him?

5 A Yes.

6 Q Approximately how long did you remain in your  
7 office on that occasion?

8 A I am guessing, I would say about the same  
9 time, 10, 20 minutes.

10 Q Would it have been the month of May or later?

11 A I think it would be the third visit, as a  
12 guess, but it would be around the middle  
13 of May.

14 Q Was it approximately the same time on all  
15 occasions?

16 A Yes, after hours, usually between 5:00, 5:30.

17 Q And he stayed about 20 minutes on each  
18 occasion?

19 A As best as I can recall, 10, 20 minutes.

20 Q Did you ever leave your office at the same time  
21 that he and the Latin-type left?

22 A I don't believe, no.

23 Q And I take it of your own knowledge you don't  
24 know how they physically got to your  
25 office building, is that correct?



1 A That is correct.

2 Q Now, when is the last time you saw him?

3 A About three or four days later.

4 Q Where was that?

5 A In the office, in the MB Building.

6 Q And was he again accompanied by this Latin-  
7 type?

8 A Yes.

9 Q Do you recall ever asking either Oswald or  
10 the Latin the name of the Latin?

11 A I don't believe that ever came up because  
12 Oswald and I spoke short and direct in  
13 relationship to the subject matter and  
14 each time I asked him for a fee.

15 Q And what did that precipitate?

16 A No, he made promises.

17 Q And approximately how long did this interview  
18 last?

19 A About the same time, we would rehash the same  
20 stuff.

21 Q Again this was approximately 5:30 at night?

22 A Between 5:00, quarter after 5:00, 5:30.

23 Q Now, did you have occasion again to see  
24 Oswald?

25 A I don't know whether he was there four times or

five times, so now I am going to have to start guessing as best as I can reconstruct. It could have been in the office, but my best recollection was he was on the street handing out chits.

Q Chits?

A Pamphlets, pamphlets about Cuba, help Cuba or something like that.

Q Did you have occasion to stop and take one of these pamphlets?

A I picked one up and looked at it and dropped it like a hot potato. I'm not interested in helping Cuba.

Q Did you talk to Oswald on that occasion?

A I think I asked him for my fee.

Q Is that the only conversation you recall having with him, on that occasion, that is?

A Well, as best as I can recollect, I asked him, "What are you doing giving out this stuff, whatever it was, I forgot the exact word choice I used, I asked him if he was working, I think he said yes, and that is when I asked him for my money. I believe he answered, "It is a job" something like that, I don't recall. The

[REDACTED]

31

Mex was in the back of him, standing up  
against the window.

Q Now, where did this take place, as you recall  
it, Mr. Andrews?

A I thought it was in the front of the Maison  
Blanche Building.

Q Can you approximate the time for us, first the  
time of day and then the time of year?

A Oh, this would be 1963, sometime in June, I  
really don't recall.

Q You haven't answered the question as to the  
time of day, as I recall.

A I'd say 1:30, after lunch, I know that. I was  
on my way back -- I am not too sure if the  
Federal Court was still down on Camp  
Street or not in '63, I don't recall, but  
I was on my way back from that general  
direction. I may have gone to the  
Whitney Building or may have gone to the  
Federal Court, I don't recall.

Q Was there anyone else besides Oswald handing  
out the leaflets?

A Were other people around him? I don't recall  
whether or not they were handing out  
leaflets.

1 Q Do you recall whether or not you noticed any  
2 of those persons around him being the  
3 Latin-type?

4 A Well, when I noticed the one standing across  
5 by the window because I had adopted a  
6 little nickname for him, "Me and my  
7 shadow."

8 Q "Me and my shadow"?

9 A That is what I called him to myself, I never  
10 saw Lee Oswald without the Mexican. When  
11 I saw him there, I looked around and the  
12 Mex was up against the display window,  
13 standing still.

14 Q Did he have any leaflets in his hand as you  
15 recall?

16 A No.

17 Q Do you recall whether or not any of the persons  
18 around were Latin types, the persons that  
19 you have described that were around Oswald?

20 A Well, they had some people on the -- like the  
21 curb, they were hollering at him in  
22 Spanish, pretty excited, and they would  
23 be quiet and holler at him some more.

24 Q But this, would this have been as late as  
25 August 1963?

1       A       I don't recall. My recollection was it was in  
2               June, but it has been so long I never had  
3               any occasion to pay any minute attention.  
4               I did not know Lee Harvey Oswald was going  
5               to get involved in Dallas. He was just a  
6               walk-in client, and that was all. I did  
7               not pay him any particular attention.  
8               The only oddball thing was that the Mex  
9               was there all the time, that is what  
10              probably drew my attention to him more  
11              than anything else, but he was just a  
12              walk-in client, he was picking me for  
13              information and not coming out with any  
14              money.

15      Q       As a result of your conversations with Oswald,  
16               had you made any determination as to  
17               whether or not he was a homosexual?

18      A       No.

19      Q       Have you made any determination as to whether  
20               or not the Latin type was a homosexual?

21      A       Not that I recall, I don't believe.

22      Q       Now, after this occasion that you just described,  
23               did you have any other occasions to see  
24               Lee Harvey Oswald?

25      A       Personally?

- 1 Q Personally.
- 2 A No.
- 3 Q How about the Latin type?
- 4 A I don't recall, I don't think so.
- 5 Q Do you feel you might have at some time?
- 6 A I don't recall, I don't think so, but I don't  
7 have any memory to refer to.
- 8 Q To your knowledge, Mr. Andrews, did anyone send  
9 Lee Oswald to you?
- 10 A To my knowledge, no.
- 11 Q Getting back to this call that you received on  
12 November 23, 1968, can you approximate  
13 what time of day or night you received  
14 this call?
- 15 A I don't remember the exact time. I know it was  
16 daytime, probably immediately before or  
17 immediately after chow.
- 18 Q Did the person who called you identify himself  
19 or herself on the phone?
- 20 A No.
- 21 Q Did you recognize the voice of the person on  
22 the phone?
- 23 A Yes.
- 24 Q From where did you recognize the voice?
- 25 A I heard it many times.

1 Q You heard it many times?

2 A Yes.

3 Q In the course of your legal practice?

4 A I claim attorney-client privilege.

5 MR. ALCOCK:

6 Your Honor, I think he waived it since  
7 he said he heard the voice many times  
8 he opened the door, and the State  
9 has a right to determine whether or  
10 not he heard it in connection with  
11 his legal practice, social affairs,  
12 business affairs or just where he  
13 heard the voice.

14 THE COURT:

15 I sustain the witness' privilege. If he  
16 didn't claim it before, he is claim-  
17 ing it now.

18 BY MR. ALCOCK:

19 Q At the time you were speaking on the phone to  
20 this caller, did you associate a person,  
21 that is, a physical being with the voice  
22 on the phone?

23 A I believe I did.

24 Q What do you mean you believe you did, did you  
25 or did you not?

1 A I believe I did, the answer is positive.

2 Q Approximately how tall was this individual?

3 A I claim two privileges, one, the attorney-  
4 client, the other is I respectfully de-  
5 cline to answer that question for the  
6 reason that in answering it may, might,  
7 would, could, or somehow connect me with  
8 the chain of circumstances, and the  
9 answer thereto may be used against me in  
10 a criminal case.

11 MR. ALCOCK:

12 I would like to argue this outside the  
13 presence of the Jury, if I might.

14 THE COURT:

15 How long do you think it would take? I  
16 would like to save the necessity of  
17 the Jurors walking up and down the  
18 stairs.

19 MR. ALCOCK:

20 I don't think it will be that long.

21 THE COURT:

22 Let them go into my chambers, Sheriff.  
23 (Whereupon, the Jury was removed.)

24 MR. ALCOCK:

25 First of all, I am asking him for a



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37

physical description of the human being, and certainly the attorney-client privilege is not, does not, is not that broad and would not cover that subject area. Now, as far as the Fifth Amendment is concerned, Your Honor, I think the State has a right to show the Jury, since this witness has volunteered that he received a phone call, that the party on the other end of the line was not the Defendant, to his knowledge, that he has never met the Defendant to his knowledge, Clay Bertrand is not the Defendant, the State has every right in the world to show the prior conflicting statements by this witness on other occasions both under oath and not under oath concerning the subject matter so as the Jury can see and test his credibility and what weight they will give his testimony. The State is being handcuffed, Your Honor, the Defense has what they feel they want from him, and now the State

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38

1 cannot show the Jury how the man  
2 vacillated back and forth on  
3 descriptions, naming individuals --

4 THE COURT:

5 Article 4, Section 5, which deals with  
6 the privilege between attorneys and  
7 clients states: "No legal advisor  
8 is permitted, whether during or  
9 after the termination of such employ-  
10 ment, unless with his client's  
11 expressed consent, is permitted to  
12 disclose any communication made to  
13 him as such legal advisor by or on  
14 behalf of his client or any advice  
15 given by him to his client or any  
16 information that he may have gotten  
17 by reason of being such legal  
18 advisor," and aside from that point,  
19 he claimed the second privilege, and  
20 that is by you forcing him to iden-  
21 tify the person who called him or  
22 to give a physical description of  
23 him, he claims that is a link of  
24 circumstances that may or may not  
25 be used in a pending criminal

1 prosecution which is pending against 39  
2 him.

3 How many counts of perjury  
4 against you, Mr. Andrews?

5 THE WITNESS:

6 Seven counts.

7 THE COURT:

8 Seven counts?

9 THE WITNESS:

10 Right.

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25  
NO HIATUS HERE.

W2

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1 THE COURT:

2 And you feel after conferring with your  
3 attorney that to give the answer to  
4 it would in some way relate to one  
5 of the seven counts?

6 THE WITNESS:

7 Three, Count 1, Count 2, Count 4.

8 THE COURT:

9 What section of the Criminal Court is  
10 this in?

11 MR. ALCOCK:

12 I think it is probably Section D or G.

13 THE COURT:

14 I want the open case and the case on  
15 appeal immediately.

16 MR. ALCOCK:

17 May I respond just briefly, Your Honor.

18 I am asking about a physical de-  
19 scription. Now, this witness says  
20 on the witness stand the voice on the  
21 phone was not the Defendant, and  
22 certainly we have the physical  
23 proportions of the Defendant, and the  
24 State has every right in the world to  
25 show whether or not this man he

1974 (NO 111)

41

claims he got the telephone call from had the same physical proportions as the Defendant. I think when he said positively from the witness stand that the Defendant was not the man who called him, he waived his rights to this area and the State has every right to go in and impeach this witness in his many contradictory statements in connection with his testimony, and as far as the attorney-client privilege is concerned, if he could give us the name of his client, his client might waive that privilege. We have to know the name of the client in order to ascertain whether or not the client wants to waive the privilege. If we can have the name of the client -- He can't just take the attorney-client privilege without informing us as to the client's name. If he tells us the name of the client, we will ask the client whether he will waive the privilege.

1 MR. BARRY:

2 May it please The Court, the State has  
3 contended it is being handcuffed. It  
4 appears that this witness is being  
5 asked to incriminate himself. Your  
6 Honor will see from the Bill of  
7 Information, when it comes down here,  
8 it is directly incriminating, an  
9 answer would be directly incriminat-  
10 ing as to at least one of these  
11 counts. I am sure Your Honor will  
12 agree when he sees the Bill of  
13 Information.

14 THE COURT:

15 I have sent for both records, yes.

16 MR. ALCOCK:

17 It is my appreciation of the Fifth Amend-  
18 ment that once you do open the door  
19 or answer any question that might be  
20 linked to that chain, you have waived  
21 your right, and when he comes into  
22 the courtroom and says the caller is  
23 not the Defendant and then the  
24 Defendant is not Clay Bertrand, I  
25 think he waived all rights in this

1 area and the State has a right to  
2 fully explore the whole area to give  
3 the Jury an inclination of just, as  
4 to just how reliable this man's  
5 testimony is.

6 THE COURT:

7 Article 6 of the Red Code, a case in one  
8 of the footnotes, 15 La. Annotated,  
9 330, it may or may not relate very  
10 vitally to this point, it says:  
11 "A lawyer may be asked through whose  
12 agency he was employed and who is  
13 his client," I think that is the  
14 legal point involved, and if he may  
15 be asked that without a violation of  
16 his privilege, then we get into the  
17 secondary of whether or not because  
18 there is a pending criminal prosecu-  
19 tion against him, whether or not it  
20 would incriminate him so we get it  
21 two-pronged, one is lawyer-client,  
22 the other is self-incrimination. I  
23 think we would have to get these  
24 records first to see whether or not  
25 the self-incrimination feature is

1 existing, and if it does, we need  
2 not fool with the lawyer-client  
3 proposition. I think that can be  
4 overcome.

5 MR. ALCOCK:

6 I think Your Honor The Court is well --  
7 perhaps not well aware, that perjury  
8 convictions all deal with Clay  
9 Bertrand. Now, once he says he is  
10 not Clay Bertrand, he opened the  
11 door, because the State has a right  
12 to know who in his estimation Clay  
13 Bertrand is.

14 THE COURT:

15 (Reading from the Bill of Information.)

16 This is not seven counts, it is just  
17 one count. It is not seven counts  
18 in this.

19 MR. ALCOCK:

20 The case before the Supreme Court was a  
21 multiple-count case, but the pending  
22 case is only one count.

23 THE COURT:

24 Looking at the open cases, seven open  
25 counts, it's only one count.



AT 11:00 (10 1971)

45

1 MR. ALCOCK:

2 He was found not guilty of some of those  
3 counts.

4 THE COURT:

5 Five counts in the other. This is the  
6 case on appeal, is it not? There is  
7 five counts on the case on appeal,  
8 there is one count, but it is a  
9 transcript of the Grand Jury testi-  
10 mony. May I just take a look at it  
11 and see?

12 I'm going to read the Bill of  
13 Information so we will have it in  
14 the record.

15 (Whereupon, it was read into the  
16 record.)

17 THE COURT:

18 Now, to bring us back into focus,  
19 Mr. Alcock, as I understand it,  
20 Mr. Andrews has been indicted, this  
21 is not an indictment, this is a  
22 direct bill of information, it is  
23 not a Grand Jury indictment.

24 MR. ALCOCK:

25 Your Honor, he was indicted by the Orleans

GET  
BILL  
INFORMATION  
+ copy  
into  
per

1 Parish Grand Jury on the whole issue 46  
2 of Clay Bertrand and when he comes  
3 before this Court and makes a flat  
4 statement that the Defendant is not  
5 Clay Bertrand, and then we have no  
6 right to show the many inconsistent  
7 statements this man said relative to  
8 the identity of Clay Bertrand, this  
9 is to tell the State, well, the  
10 Defense can have what they want but  
11 you can't impeach the witness.

12 THE COURT:

13 I am not trying a perjury case against  
14 Mr. Andrews.

15 MR. ALCOCK:

16 The State has the right to cross-examine  
17 the witness. When he makes a state-  
18 ment relative to Clay Bertrand and  
19 positively says the Defendant is  
20 not Clay Bertrand, the State has a  
21 right to expose the fact that he made  
22 many, many inconsistent statements  
23 and originally took the position that  
24 he could not say that the Defendant  
25 was or was not Clay Bertrand, and

1 to deny this right to the State, the 47  
2 Jury would have before it just his  
3 statement that he claims taking the  
4 privilege, and the State has a right  
5 to give the Jury a full background on  
6 statements he made relative to this  
7 man, and we cannot therefore adequately  
8 ly and properly weigh his testimony.

9 The State has a right to impeach this man,  
10 and I inform The Court I was going  
11 into these cases --

12 THE COURT:

13 You have a right to attack his credibil-  
14 ity, you have a right to attack him  
15 on prior contradictory statements,  
16 and you certainly have the right to  
17 ask the witness at a previous time did  
18 he not state such and such, whatever  
19 you wish to ask him, and as far as  
20 making him admit who that person was  
21 that he spoke to, at this time you are  
22 bringing up the guilt or innocence  
23 of a case that is pending against  
24 him, and I will not force him to give  
25 you his answer. That does not stop

1                   you from laying a predicate or  
2                   foundation for impeachment. You  
3                   certainly can go into that field of  
4                   inquiry on cross-examination.

5           MR. ALCOCK:

6                   The question that precipitated the whole  
7                   discussion is what was the size,  
8                   physical size of Clay Bertrand.  
9                   Now, this he took an exception to,  
10                  and this is what we are arguing  
11                  about now. The State's position is,  
12                  if he could give us the size, the  
13                  State will show prior inconsistent  
14                  statements, all the way from 5'8 to  
15                  6'2.

16          THE COURT:

17                  I'm not going to force Mr. Andrews to  
18                  give you the size, because that is  
19                  like giving you half his name, maybe  
20                  giving you the last half without the  
21                  first. I will not force him to give  
22                  you the size of this person because  
23                  I feel I certainly would be getting  
24                  into a legal area which certainly  
25                  could be used against him in these

1 criminal proceedings, and by him  
2 being under oath today, this testi-  
3 mony could be used against him.

4 MR. ALCOCK:

5 But you realize that when he took the  
6 witness stand and said that the  
7 Defendant was not Clay Bertrand --

8 THE COURT:

9 It is very close to a judicial confession  
10 that you are asking Mr. Andrews to  
11 make while he is before me as a  
12 witness and I can't force him to make  
13 a judicial confession on this case  
14 which is pending against him. I will  
15 not stop you or deny you the right to  
16 lay a predicate to attack the  
17 credibility of the witness to show  
18 prior contradictory statements which  
19 you may pursue, but I will not force  
20 him to reveal the measurements of  
21 the person who called him, not the  
22 client, the lawyer-client relation-  
23 ship, that was the only point I would  
24 force him to tell you the name of the  
25 client, that it is on the grounds of

1                   incrimination under the Federal and  
2                   State constitutional rights, and for  
3                   that reason I will not force him to  
4                   give you the measurements of the  
5                   person he says called him, but you  
6                   can pursue on cross-examination if  
7                   you wish to attack the credibility,  
8                   and it does not stop you from making  
9                   a deduction and arguing it to the  
10                  Jury whether or not the witness is  
11                  or is not worthy of belief. That  
12                  would be a deduction for you to make  
13                  in your argument.

14               MR. ALCOCK:

15                   I agree with The Court if I am given a  
16                   sufficient range of development I  
17                   will certainly argue it to the Jury.

18               THE COURT:

19                   I will have to pass on it as it comes up.  
20                   I am not stopping you from your  
21                   examination of him.

22                   Bring the Jury back in.

23                   -----  
24                   NO HIATUS HERE  
25                   -----

1 (Whereupon, the Jury returned to the  
2 box.)

3 THE COURT:

4 There is no ruling required. We merely  
5 excuse the Jury to hear oral argument.  
6 You may proceed.

7 MR. ALCOCK:

8 Perhaps the best procedure would be to have  
9 the stenographer read the question  
10 back and have the Court rule on it.

11 THE COURT:

12 All right.

13 (Whereupon, the pending question  
14 was read back by the Reporter.)

15 THE COURT:

16 I sustain the witness's objection to being  
17 forced to give an answer to that ques-  
18 tion, under the reasons cited outside  
19 of the presence of the Jury. Suffice  
20 it to say it involves Case No. 200053.  
21 For that reason, under the legal ground  
22 of self-incrimination, I will sustain  
23 the witness's objection to answering  
24 the question.

25 BY MR. ALCOCK:

1 Q Now, Mr. Andrews, prior to that telephone  
2 conversation had you seen a party whom  
3 you may or may not know, named Clay  
4 Bertrand, had you seen a party named Clay  
5 Bertrand prior to that telephone conversa-  
6 tion?

7 THE WITNESS:

8 Read it back to me, please.

9 (Whereupon, the pending question  
10 was read back by the Reporter.)

11 THE WITNESS:

12 If he will rephrase this question, Your  
13 Honor, I think I could answer it;  
14 I can't answer it in the shape that  
15 it is in.

16 THE COURT:

17 All right. Let's see. Mr. Alcock, so  
18 that we can proceed will you rephrase  
19 it.

20 MR. ALCOCK:

21 I will rephrase it.

22 BY MR. ALCOCK:

23 Q Do you know a person named Clay Bertrand?

24 A I know a person who back in the early Fifties  
25 was introduced to me as Clay Bertrand.



1 Q And what was the occasion of this introduction?

2 A I walked into the LeRendezvous Bar. It was in  
3 the afternoon, I don't recall the date,  
4 and they had a wedding reception going on  
5 in the dance part in the rear.

6 Q Do you recall by whom you were introduced to  
7 Clay Bertrand?

8 A Big Jo introduced -- wait a minute.  
9 (Conference between the witness  
10 and his Counsel.)

11 A I respectfully decline to answer that question  
12 on the grounds that the answer thereto  
13 may, might, would or could tend to link  
14 me up to a chain of circumstances that  
15 would ultimately incriminate me.

16 MR. ALCOCK:

17 Your Honor, I respectfully submit that the  
18 witness has already said positively,  
19 or made a statement to the effect that  
20 the Defendant was not Clay Bertrand.  
21 We therefore must assume that he knows  
22 who this individual is, and this is  
23 merely asking him who introduced him  
24 to Clay Bertrand.

25 THE COURT:

I believe he answered your question. He  
decided to claim his privilege, unless  
I am mistaken.

BY MR. ALCOCK:

Q Big Jo? Who is Big Jo?

A She is a butcher I knew down in the --

THE COURT:

Speak a little louder and distinctly.

Now, she is what, a she or a he?

THE WITNESS:

A she.

THE COURT:

I can't understand you.

A A she.

THE COURT:

All right. Big Jo is a she?

THE WITNESS:

Yes, sir.

THE COURT:

Female?

THE WITNESS:

Yes, sir.

THE COURT:

All right.

BY MR. ALCOCK:

D5

55

1 Q How long had you known Big Jo?

2 A Six or seven months, I don't remember.

3 Q And what was the occasion for you going to this  
4 particular party or wedding reception?

5 A I just walked into it, I had no knowledge that  
6 it was taking place, I just fell into the  
7 place.

8 Q What is Big Jo's real name?

9 A Helen Girts.

10 Q Girts?

11 A Yes, sir.

12 Q G-i-r-t?

13 A Yes, sir.

14 Q When was the last time you saw Helen Girt?

15 A When she was released from Angola.

16 Q And when was that?

17 A I don't recall, sometime in the -- probably  
18 the late Fifties. I had defended her on  
19 a possession of narcotics charge. She was  
20 found guilty, I believe sentenced to five  
21 years at Angola, and when she came back  
22 in town that is the last time I saw her.

23 Q Do you know where she is now?

24 A No, sir.

25 Q You haven't seen her since the late Fifties?

D6  
1 A That is the last time I recall. I was called  
2 from the First District, she was charged  
3 with bribery.

4 THE COURT:

5 What? Bribery?

6 THE WITNESS:

7 Public bribery, yes, sir. That is the last  
8 I have seen of her.

9 BY MR. ALCOCK:

10 Q And when approximately was that?

11 A I don't know. I guess the case is still open,  
12 it has never been tried.

13 Q Was she charged under the name of Helen Girt?

14 A I don't recall, but I would assume that she  
15 was.

16 Q Now, did you have occasion with this person  
17 you say you were introduced to as Clay  
18 Bertrand, to have a conversation with him  
19 during the course of this wedding reception?

20 A (Conference between witness and his Counsel.)

21 MR. BARRY:

22 Read the question back.

23 (Whereupon, the pending question was  
24 read back by the Reporter.)

25 A Yes.

1 BY MR. ALCOCK:

2 Q Approximately how long did you talk to him?

3 A He denied being Clay Bertrand.

4 Q At that time?

5 A Right. I knew who he was.

6 Q You knew who he was?

7 A Right. So do you.

8 Q I know who he is? Would you mind telling me  
9 who he is, Mr. Andrews?

10 A The Information has his name.

11 Q Well, but the Information isn't in the record.

12 A The Judge read it in the record.

13 Q Not in the presence of the Jury he didn't.

14 THE COURT:

15 I can't offer exhibits, it is up to either  
16 the State or the Defense to offer  
17 exhibits, I can't offer them.

18 BY MR. ALCOCK:

19 Q Will you give us the name, Mr. Andrews?

20 (Conference between witness and  
21 his Counsel.)

22 A I refuse and respectfully decline to answer that  
23 question for the reason that it may, might,  
24 could or would tend to link me up with a  
25 chain of circumstances that ultimately may

VOLUME 111

1                   incriminate me.

2           MR. ALCOCK:

3                   Now, Your Honor, I submit when the witness  
4                   suggests that I know, that it is in  
5                   the Bill of Information that the  
6                   Court has read out of the presence  
7                   of the Jury, I submit he has waived  
8                   his right to claim the Fifth Amend-  
9                   ment on that point.

10          THE COURT:

11                   I disagree with you. I sustain the objec-  
12                   tion.

13          BY MR. ALCOCK:

14          Q        Had you known this individual prior to going to  
15                   the wedding reception?

16          A        Yes.

17          Q        Had you seen him on many occasions prior to  
18                   going to the wedding reception?

19          A        No, not many.

20          Q        Had you seen him often after this wedding re-  
21                   ception?

22          A        Yes.

23          Q        Would you say you saw him regularly after this  
24                   wedding reception?

25          A        Well, not regularly, but we would bump into each

1 other, and I handled some legal matters  
2 for him.

3 Q To your knowledge, did he ever call you and ask  
4 you to represent anyone after the wedding  
5 reception?

6 A He would refer clients to the office.

7 Q Then I take it when you were introduced by  
8 Agent Kennedy in the hospital, you knew  
9 who you were talking about allegedly when  
10 you told them the name Clay Bertrand? Is  
11 that correct?

12 A I would have to look at Mr. Kennedy's notes.  
13 That has been my problem ever since, I  
14 have never had the notes made available to  
15 me, because I don't recall, however, my  
16 conversation or Agent Kennedy's conversa-  
17 tion.

18 Q You do recall that on direct examination you  
19 told Mr. Dymond that the name of Clay  
20 Bertrand came up during the conversation  
21 with Agent Kennedy, is that not correct?

22 A Yes.

23 Q Did the name of the person that you know Clay  
24 Bertrand to be come up during the course  
25 of that conversation?

1 A You want to know how the name Clay Bertrand  
2 came up during the conversation?

3 Q Yes.

4 A This is my best recollection: At the time  
5 Regis Kennedy was making his examination,  
6 it suddenly dawned on me that if I revealed  
7 the real name I would bring a lot of heat  
8 and a lot of trouble to somebody that it  
9 didn't belong to. Now this is my recollec-  
10 tion, best as I can. I fumbled around for  
11 a cover name, and I happened to remember  
12 being introduced to this boy, party by the  
13 name Clay Bertrand, and used the name Clay  
14 Bertrand to associate in my mind with the  
15 real party that called. That is the best  
16 I can recall.

17 Q In other words, you lied to the FBI?

18 A No, sir.

19 Q You didn't?

20 A You may think I did. I used it as a cover name  
21 just as if this man here was the unnamed  
22 person and all of a sudden it dawns on  
23 you that this matter is deeper than it is.  
24 Rather than not use this man's name (sic),  
25 I used a cover name. I don't recall tell-



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ing Regis Kennedy any lies.

Q You just gave him a wrong name?

A I gave him a cover name.

THE COURT:

Well, let's get down to spelling the English language right: When you gave a cover name, did you give the right name or did you not give the right name?

THE WITNESS:

I concealed the right name and gave a cover name.

THE COURT:

All right. We will let it go at that.

BY MR. ALCOCK:

Q Now, did you know that the FBI was looking for this Clay Bertrand?

A I vaguely recall Mr. Kennedy coming into the hospital and telling me about a bunch of men that were in the field, and it was my decision whether they should stay in the field or come out of the field. I don't recall whether I told him, but it was to this effect: I can't help you, pull them up and send them some place else. So in

1                   that way I would have to answer yes.

2       Q       Did you at that time volunteer the true name  
3                   of the man that called you?

4       A       Nobody asked me.

5       THE COURT:

6                   His question to you is did you volunteer.

7                   That doesn't mean somebody has to ask  
8                   you.. Did you volunteer without being  
9                   asked? That was the question.

10       THE WITNESS:

11                  No, no.

12       BY MR. ALCOCK:

13       Q       Do you recall how many interviews you had with  
14                   the FBI after this phone call?

15       A       No, sir, I don't.

16       Q       Was it as a result of this phone call that you  
17                   called Mr. Zelden?

18       A       What phone call, sir?

19       Q       The phone call you got from Clay Bertrand in  
20                   the hospital.

21       A       I have never received a phone call from Clay  
22                   Bertrand in the hospital.

23       Q       Well, the individual that you say is Clay  
24                   Bertrand.

25       A       When did I say this man was Clay Bertrand? I

1 don't recall that.

2 Q Well, you testified before the Warren Commission,  
3 didn't you?

4 A Yes.

5 Q Under oath, wasn't it?

6 A Yes.

7 Q Didn't you tell them that the man that called  
8 you on behalf of Lee Oswald was Clay  
9 Bertrand?

10 A I don't recall. If you have a copy of my testi-  
11 mony, I would like to refresh my memory  
12 and read it. possibly it could refresh  
13 my memory.

14  
15  
16 NO HIATUS HERE.  
17  
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Q Are you telling The Court now you don't recall  
telling the Warren Commission this?

64

A Yes. I am not Houdini; this has been years  
ago, practically five years ago.

MR. DYMOND:

If The Court please, if this witness is  
going to be cross-examined on a  
statement that he purportedly made  
to the Warren Commission, I submit,  
in fairness, the statement should be  
submitted to him.

THE COURT:

That is correct. If you have it available,  
you should submit it to the witness  
to refresh his memory.

MR. ALCOCK:

I am looking for it now, Your Honor.

Your Honor, this testimony of  
Mr. Andrews before the Warren Commis-  
sion is somewhat lengthy. Perhaps I  
might suggest to The Court that we  
allow Mr. Andrews to read it in its  
entirety and have the Jury go to  
lunch now, because it is somewhat  
lengthy and I intend to cross-examine

D/P2

65

1 him at length from this interview.

2 THE COURT:

3 How many pages is the testimony?

4 MR. ALCOCK:

5 There are 15 pages, Your Honor, However,  
6 the printing is quite small.

7 THE COURT:

8 I understand you wish to minutely cross-  
9 examine --

10 MR. ALCOCK:

11 That is correct, Your Honor.

12 THE COURT:

13 -- the witness on a previous alleged  
14 contradictory statement, and in order  
15 to be fair with the witness you would  
16 like to give him a chance to read his  
17 testimony to refresh his memory?

18 MR. ALCOCK:

19 That is right.

20 THE COURT:

21 Well, I think the legal proposition is  
22 that he should be permitted to read  
23 it, and then you may use it in your  
24 cross-examination.

25 Gentlemen of the Jury, it is

D/P3

1 about 19, almost 18, minutes to 12:00 66  
2 but I am going to recess to the  
3 regular time, just a difference of  
4 about 15 minutes. I will ask the  
5 Sheriffs to have you back here for  
6 1:30.

7 Now, again, I must under the  
8 law each time you leave the court-  
9 room, admonish you and instruct you,  
10 do not discuss the case amongst  
11 yourselves or with any other person  
12 until it is finally given to you for  
13 your verdict and decision.

14 Mr. Alcock, I would suggest that  
15 you let me have this testimony, and  
16 I will give it to Mr. Andrews and  
17 Mr. Barry and ask them to return it  
18 back to me at 1:30.

19 MR. ALCOCK:

20 It is the only copy I have.

21 THE COURT:

22 It is the only copy you have?

23 MR. ALCOCK:

24 We have one more, but the other one is  
25 even more marked up than this one

D/P4

(handing document to The Court).

67

THE COURT:

Be sure you don't lose this. I would like to turn it over to you, Mr. Barry, as attorney for Mr. Andrews. I expect you both back at about 1:28 to take the stand.

I must caution the witness that he can discuss anything he wishes with his attorney but he cannot discuss his testimony with witnesses who have already testified or who have not testified, but he certainly can discuss it with his attorney.

All right. Mr. Andrews, you are relieved as a witness until 1:30.

Mr. Shaw, you are released under your same bond, and This Court will stand recessed for lunch until 1:30.

. . . . Thereupon, at 11:47 o'clock a.m., a recess was taken until 1:30 o'clock p.m. . . . .

1 . . . . Pursuant to the recess,  
2 the Proceedings herein were  
3 resumed at 1:35 o'clock p.m.,  
4 appearances being the same as  
5 heretofore noted in the  
6 record . . . .

7 THE COURT:

8 Are the State and the Defense ready to  
9 proceed?

10 MR. DYMOND:

11 We are ready.

12 MR. ALCOCK:

13 Yes, Your Honor.

14 THE COURT:

15 Let me remind the witness that the oath  
16 that he previously took is still  
17 binding.

18 THE WITNESS:

19 Thank you, Judge.

20 THE COURT:

21 All right, Mr. Alcock. I believe you have  
22 the witness.

23 ...oOo...

24 DEAN ANDREWS,

25 having been sworn and having testified previously,



D/P6

1 resumed the stand for a continuation of the

69

2 CROSS-EXAMINATION

3 BY MR. ALCOCK:

4 Q Now, Mr. Andrews, referring to this man that  
5 you met as Clay Bertrand in the '50's,  
6 after this first meeting did you have  
7 occasion to see him fairly often?

8 A Decline to answer that question on the ground  
9 that it may, might, could, would or will  
10 tend to link me with a chain of circum-  
11 stances that would incriminate me. I have  
12 three specific articles that are substan-  
13 tive, of the Louisiana Criminal Code in  
14 mind, either Article 123, 124, or 125.

15 MR. ALCOCK:

16 Those are the perjury articles, Your  
17 Honor. I would suggest to The Court  
18 that this witness has already  
19 indicated he did. I am just trying  
20 to clarify in order to enter my line  
21 of questioning in connection with  
22 his testimony before the Warren  
23 Commission under oath.

24 THE COURT:

25 I am going to sustain the witness'

D/P7

70

1 objection.

2 MR. ALCOCK:

3 Thank you, Your Honor.

4 BY MR. ALCOCK:

5 Q Subsequent to this meeting at the wedding  
6 reception, and prior to the phone call on  
7 November 23, had you had any phone calls  
8 from this man you identify as Clay  
9 Bertrand?

10 A Respectfully decline to answer that question  
11 and invoke the Fifth Amendment, for the  
12 reason that an answer may, might, would or  
13 could tend to link me up with a chain of  
14 circumstances that would incriminate me.  
15 I have three specific articles of the  
16 Louisiana Substantive Code of Criminal  
17 Procedure in mind, Articles 123, 124 and  
18 125.

19 THE COURT:

20 I will sustain the witness' objection.

21 MR. ALCOCK:

22 Your Honor, the witness has already indi-  
23 cated he received at least one phone  
24 call from him, and that is a rather  
25 critical phone call. Now the State is

P8

71

estopped from asking whether he  
received any other phone calls?

THE COURT:

I have to rule on the situation as it  
presents itself, I cannot comment on  
why he did or did not answer that  
question, but if he invokes it I will  
have to rule on it as of the moment  
it is presented to me.

MR. DYMOND:

Your Honor, in the interest of conserva-  
tion of time, could we ask Mr. Andrews,  
when he is declining to answer a  
question, just to say on the same  
grounds?

THE WITNESS:

I would prefer to repeat it, under some  
jurisprudence, Your Honor, to make  
sure there is no confusion.

MR. DYMOND:

Very well.

THE COURT:

One correction. I thought maybe I would  
call it to your attention. You keep  
saying the Code of Criminal Procedure.

D/P9

72

1 It is in the Criminal Code --

2 THE WITNESS:

3 The substantive law.

4 THE COURT:

5 -- not the Code of Criminal Procedure.

6 I would like that correction made.

7 THE WITNESS:

8 The three articles referred to --

9 THE COURT:

10 Are found --

11 THE WITNESS:

12 In the Criminal Code.

13 THE COURT:

14 Not in the Code of Criminal Procedure.

15 THE WITNESS:

16 Right. Thank you.

17 BY MR. ALCOCK:

18 Q Now, Mr. Andrews, when you appeared before the  
19 Warren Commission, did you tell  
20 Mr. Liebler, the Commission Counsel who  
21 was questioning you, that you met this  
22 Clay Bertrand on a prior occasion?

23 A Respectfully decline to answer that question  
24 for the reason that an answer thereto may,  
25 might, could or would tend to link me up

D/P10

73

1 with a chain or link or circumstances  
2 that would ultimately result in me being  
3 indicted, or be to my disadvantage in an  
4 open case. I have three specific articles  
5 in mind, Articles 123, 124, and 125.

6 MR. ALCOCK:

7 Your Honor, I am asking him about a state-  
8 ment that he made under oath before  
9 the Warren Commission, and I intend  
10 to impeach him on this statement.

11 THE COURT:

12 Yes. I just want to check the article.  
13 I anticipated this.

14 THE WITNESS:

15 Article 124, Your Honor.

16 THE COURT:

17 Take this down, Madam Reporter. The  
18 article in the Code of Procedure,  
19 in the written code which I refer to  
20 -- it is still the same law -- reads:  
21 "Whenever the credibility of a  
22 witness is to be impeached by proof  
23 of any statement made by him contra-  
24 dictory to his testimony, he must  
25 first be asked whether he has made

D/P11

74

such statement, and his attention must be called to time, place and circumstances, and to the person to whom the alleged statement was made, in order that the witness may have an opportunity of explaining that which is prima facie contradictory. If the witness does not distinctly admit making such statement, evidence that he did make it is admissible."

Now, that is the ordinary situation, but in this particular case, Mr. Alcock, as I view the law, you can ask the witness if he did or did not make such a statement and read from the record if you wish. He may admit or deny or make whatever objection he does.

MR. ALCOCK:

All right, Your Honor.

THE COURT:

That is the only way I see we can do it.

MR. ALCOCK:

Perhaps I can assist Mr. Andrews. I am referring to page 331 of the document

D/P12 1

I believe you have in your hand now.

75

2

THE WITNESS:

3

I have page 31.

4

MR. ALCOCK:

5

All right.

6

BY MR. ALCOCK:

7

Q I am referring to a question propounded to you

8

by Mr. Liebler, which on that page would

9

be the next to last question propounded

10

by Mr. Liebler, and it reads:

11

"Question: Now what can you tell us

12

about this Clay Bertrand? You met him

13

prior to that time?" Your answer being:

14

"I had seen Clay Bertrand once some time

15

ago, probably a couple of years. He's

16

the one who calls in behalf of gay kids

17

normally, either to obtain bond or parole

18

for them. I would assume that he was the

19

one that originally sent Oswald and the

20

gay kids, these Mexicanos, to the office,

21

because I had never seen those people

22

before at all. They were just walk-ins."

23

Now, did you make that statement?

24

MR. DYMOND:

25

If The Court please, object on the

D/P13

76

ground that time, place and circum-  
stances have not been furnished to  
the witness.

MR. ALCOCK:

There couldn't be any more furnished than  
him having the question right in  
front of him.

MR. DYMOND:

The Code article specifically says time,  
place and circumstances must be  
furnished. Your Honor just read the  
article.

NO HIATUS HERE



D3/P1

77

1 THE COURT:

2 Well, I think, Mr. Alcock, although it  
3 might ordinarily appear, would you  
4 state the time, place and circum-  
5 stances.

6 MR. ALCOCK:

7 I will do that.

8 BY MR. ALCOCK:

9 Q Do you recall having testified before

10 Mr. Liebler, who was a Commission attorney  
11 for the President's Commission on the  
12 assassination of President Kennedy, on  
13 July 21, 1964 at the old Civil Courts  
14 Building, Royal and Conti Streets in the  
15 City of New Orleans?

16 A I appeared before Mr. Liebler.

17 Q On that date?

18 A On that date at that time.

19 Q In that building?

20 A In that place.

21 Q Now, did you make this statement?

22 A I have no memory refreshed after reading this.

23 However, this statement is here, I must  
24 assume that I made it.

25 Q Now, the statement said that you had seen

D3/P2

78

1 Clay Bertrand two years prior. Is that  
2 correct?

3 A If the statement says it, I said it.

4 Q In fact, hadn't you seen this man you identify  
5 as Clay Bertrand rather regularly between  
6 the time you first met him and the time  
7 you testified before the Warren Commission  
8 as attorney?

9 A No.

10 Q You did not see him rather regularly?

11 A (Conference between witness and his counsel.)

12 Respectfully decline to answer this  
13 question for the reasons that this is  
14 getting into a matter that may, might,  
15 could or would tend to incriminate me. I  
16 have three specific articles in mind,  
17 Articles 123, 124, 125, in the case pend-  
18 ing open against me now.

19 MR. ALCOCK:

20 Your Honor, I don't see how I can very  
21 well impeach this witness unless I  
22 can ask him some questions as to the  
23 statement he gave under oath before  
24 the Warren Commission.

25 THE COURT:

D3/P3

Well, as I understand the law, this

79

witness is not an ordinary witness in the true sense of the word. If he were you might be able to proceed forward, but he is in the peculiar status of a witness defending in a pending criminal proceeding. For that reason it makes it an unusual legal situation. The article under 493 says: "If the contradictory statement is in writing, the proper foundation is in the production of the writing itself."

Now, you have produced the writing.

MR. ALCOCK:

Yes, I have.

THE COURT:

Would you read back that last question that the witness refuses to reply to?

(Whereupon, the pending question was read back by the Reporter.)

THE COURT:

Well, the question that you put,

1 Mr. Alcock, is not from the writing, that 80  
2 is from your own origination.

3 Right?

4 MR. ALCOCK:

5 That is right.

6 THE COURT:

7 I sustain this objection.

8 MR. ALCOCK:

9 Your Honor, may I have the Jury removed  
10 to argue this point?

11 THE COURT:

12 Certainly. Take the Jury in my office,  
13 please. I will be glad to hear from  
14 you.

15 (Whereupon, the Jury retired.)

16 MR. ALCOCK:

17 Your Honor, this man has identified an  
18 individual as Clay Bertrand. The  
19 name I won't mention on this occasion.

20 THE COURT:

21 I can't hear you.

22 MR. ALCOCK:

23 This man has identified an individual as  
24 Clay Bertrand. The individual he has  
25 identified is someone that he was in

3/P5

1 constant contact with, or association 81  
2 with, over a long period of time.  
3 When he referred to him in the  
4 Warren Commission Report and says he  
5 had only seen him two years ago, and  
6 further on I am going down to a point  
7 where he says he saw him once six  
8 months ago, these are patent lies  
9 because he sees him almost every day,  
10 the man he is referring to, and I  
11 cannot bring this out to the Jury and  
12 show wherein he is lying, Your Honor,  
13 unless I am allowed to ask him the  
14 question. What good if I can read  
15 the statement? The Jury doesn't  
16 understand what is behind the state-  
17 ment.

18 THE COURT:

19 The last question, Mr. Alcock, was not  
20 reading from the statement.

21 MR. ALCOCK:

22 The last question was, isn't it a matter  
23 of fact you saw this man rather  
24 regularly between the time you first  
25 saw him and the time you testified

3/P6

82

before the Warren Commission.

THE COURT:

Where is there a contradictory statement  
in this? I don't see that question  
put in this.

MR. ALCOCK:

If he says he saw him once two years ago,  
it is manifestly contradictory if he  
says he saw him regularly during that  
period.

THE COURT:

Where can you show me that in the testimony  
before the Warren Commission?

MR. ALCOCK:

He didn't say it before the Warren  
Commission.

THE COURT:

Then how can you contradict him on it?

MR. ALCOCK:

Because I can contradict him on his own  
testimony, but if he is not going to  
be allowed to answer my questions,  
how can I contradict him?

THE COURT:

If you get in that area, Mr. Alcock, the

D3/P7

83

1 witness takes the role of a person  
2 under charges.

3 MR. ALCOCK:

4 The witness is under the role of a person  
5 under direct charges when he took the  
6 stand under Direct Examination, when  
7 he discussed Clay Bertrand.

8 THE COURT:

9 And at the time he took it he did not  
10 give up his constitutional rights  
11 just because he took the witness  
12 stand and answered questions.

13 MR. ALCOCK:

14 I realize that, but when he answered  
15 questions relative to Clay Bertrand,  
16 he opened the door.

17 THE COURT:

18 Not in my opinion. It is different.

19 Any time that he wishes not to invoke  
20 his constitutional right, he may do  
21 it, but if he wishes to invoke his  
22 constitutional right, I have to rule  
23 on it at that moment, and that is  
24 what he is doing.

25 MR. ALCOCK:

3/P8

84

1 Well, Your Honor, what good would it be  
2 for me to read down these statements  
3 before the Warren Commission unless  
4 I could elicit testimony from him  
5 that they were in fact contradictory.  
6 Now wait a minute. The Court has  
7 denied me the right to ask this man  
8 whether or not he had rather constant  
9 association with Clay Bertrand.

10 THE COURT:

11 I beg your pardon.

12 MR. ALCOCK:

13 The Court has denied me the right to ask  
14 this man whether or not he had rather  
15 regular association with the name --  
16 the man he associates with the name  
17 of Clem Bertrand.

18 THE COURT:

19 That is correct.

20 MR. ALCOCK:

21 Unless I can elicit this, these statements  
22 would be ineffectual, they would be  
23 read in a vacuum. The Jury doesn't  
24 understand this. How can I impeach  
25 this man unless I can show what he



D3/P9

1 has said on prior occasions? The man 85  
2 he identifies as Clay Bertrand is a  
3 client of his and whom he saw  
4 regularly. Now he says he saw him  
5 once two years ago, which is a lie  
6 under oath and I have got a right to  
7 show it to the Jury.  
8  
9  
10  
11  
12  
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16  
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21  
22  
23  
24  
25

NO HIATUS HERE

4/P1

1 THE COURT:

86

2 Well, let's see now. Let me try to ex-  
3 plain it to you the way I look at  
4 the law. You are alleging that  
5 certain statements made by  
6 Mr. Andrews when he was interviewed  
7 in January of 1964 -- you read the  
8 statement to him, he either tells you  
9 yes he made the statement or denies  
10 it and says he didn't. If he admits  
11 it, you have to go to something else.  
12 And you wish now to go further than  
13 that.

14 MR. ALCOCK:

15 I can't show it is a lie?

16 THE COURT:

17 If he admits it, you can't go any further,  
18 not with this witness. You may be  
19 able to put other witnesses in on  
20 rebuttal to show he is lying.

21 Mr. Alcock, if you ask

22 Mr. Andrews did he make such and such  
23 a statement to the Commission --

24 MR. ALCOCK:

25 Right. He says --

D4/P2

87

1 THE COURT:

2 -- and then he says, if it is in the  
3 record I must have made it, --

4 MR. ALCOCK:

5 Right.

6 THE COURT:

7 -- then you want to ask him is it the  
8 truth or not the truth?

9 MR. ALCOCK:

10 That is correct.

11 THE COURT:

12 You haven't asked him that. You asked  
13 him has he met Clem Bertrand three  
14 our four times.

15 MR. ALCOCK:

16 Clay Bertrand.

17 THE COURT:

18 Clay Bertrand.

19 MR. ALCOCK:

20 You mean I can't ask him -- Can I ask him  
21 if it is the truth or not?

22 THE COURT:

23 Certainly.

24 MR. ALCOCK:

25 All right.

1 THE COURT:

2 But if you are referring to something  
3 which tends to say he met Clem  
4 Bertrand or Clay Bertrand during a  
5 period of time, it does get close to  
6 the open charges against him, because  
7 that is the substance of this open  
8 indictment against him.

9 I know what you are referring  
10 to. I will read it:

11 "And this was the man who was  
12 introduced to you as Clay Bertrand?

13 "Answer: Right.

14 "Question: Have you talked to  
15 this man on the phone?

16 "Answer: I talked to him almost  
17 every day."

18 That is what you are talking  
19 about?

20 MR. ALCOCK:

21 That is right. But how does the Jury know  
22 that? How can I impeach him?

23 THE COURT:

24 If you didn't have Mr. Andrews indicted or  
25 informed against, you could proceed,

D/4-P/4

1 but you have got yourself in a legal 89  
2 bind because you informed against  
3 him. You have got him in a peculiar  
4 circumstance where he can invoke his  
5 constitutional privileges. You people  
6 have caused him to be put in this  
7 position, not me.

8 MR. ALCOCK:

9 We haven't caused him to be put in any  
10 position, he caused himself, by lying  
11 under oath, to be put in that posi-  
12 tion and the Grand Jury indicted him  
13 and we convicted him. We haven't  
14 caused him to do anything.

15 THE COURT:

16 Well, he is in a very unusual position,  
17 because being a Defendant he takes  
18 the role of a person who can invoke  
19 constitutional provisions which I  
20 will have to sustain any time he  
21 invokes them and I think they are  
22 properly brought up before me.

23 MR. ALCOCK:

24 But the whole point is, Your Honor, if he  
25 can get on this witness stand and

D4/P5

90

1 make positive and unequivocal state-  
2 ments about Clay Bertrand not being  
3 the Defendant, the State has got a  
4 right to go into the other side of  
5 the coin and show him his contradic-  
6 tory statements as to just who Clay  
7 Bertrand is.

8 THE COURT:

9 If they're in the Warren Commission Report,  
10 but if you ask him a statement outside  
11 of this report and he invokes his  
12 constitutional --

13 MR. ALCOCK:

14 I can't read that statement the Court is  
15 reading and show wherein that is  
16 contradictory, and ask him to explain  
17 the contradiction?

18 THE COURT:

19 You mean this?

20 MR. ALCOCK:

21 Right.

22 MR. DYMOND:

23 If The Court please, I might say we are  
24 going to object to that.

25 THE COURT:

D4/P6

91

1 Oh, I see. Then you would be bringing up  
2 the fact that he has been charged,  
3 not convicted.

4 MR. ALCOCK:

5 Not convicted.

6 THE COURT:

7 You can say, you appeared before the  
8 Orleans Parish Grand Jury such and  
9 such a date? Yes, I did. Did you  
10 make the following statements? Yes,  
11 I did. How does that statement com-  
12 pare to the statement before the  
13 Warren Commission? Can you explain.  
14 Without bringing up the fact whether  
15 he is charged.

16 MR. ALCOCK:

17 Yes, I have no intention of bringing that  
18 up.

19 THE COURT:

20 I will permit that. You are going in --  
21 I will hear you before I bring the  
22 Jury back, Mr. Dymond -- without  
23 stating that Mr. Andrews is under  
24 charges and he has a statement in  
25 writing which --

D4/P7

92

1 MR. DYMOND:

2 If The Court please, if he takes that  
3 record of a pending case out and  
4 flashes it before The Jury, it  
5 doesn't take any understanding --

6 MR. ALCOCK:

7 I'm not taking it out, I have got it right  
8 here.

9 THE COURT:

10 Any statement he made that is recorded,  
11 as long as you don't bring before the  
12 Jury that he is under charges or  
13 facing a trial.

14 MR. ALCOCK:

15 I am not going to.

16 THE COURT:

17 You haven't tried that.

18 MR. ALCOCK:

19 I am not going to.

20 THE COURT:

21 I say, you haven't tried this new approach.

22 MR. ALCOCK:

23 I will try it now.

24 THE COURT:

25 Bring the Jury back.



(Jury returns to the box.)

THE COURT:

All right. You may proceed, Mr. Alcock.

BY MR. ALCOCK:

Q Now, Mr. Andrews, do you recall appearing before the Orleans Parish Grand Jury on June 28, 1967?

A I appeared before them three times. I don't know whether one of the times was June or not, I don't recall.

Q Well, if I showed you a transcript, do you feel you could peruse it quickly and determine whether or not this was your testimony (exhibiting document to witness)?

A Yes. The document doesn't refresh my memory. It appears to be an official document dated June 28, 1967, so I can only assume that is the day on which I appeared, one of the three times before the Grand Jury.

Q Would you read a little bit of the interior of it and determine whether or not you recall having made those statements under oath?

A I can't tell. This appears to be an abstract -- it doesn't refresh my memory -- this appears to be an abstract of what I did say, and while it doesn't refresh my memory, it is

D5/N2

1 written in here and apparently I said it,  
2 but it is not all that I said. This  
3 appears to be abstracts.

4 Q This appears to be abstracts to you?

5 A Yes, it appears to be. The first thing I recall  
6 doing is being sworn in. That is not on  
7 the first page.

8 Q Is that the only difference? Did you read  
9 where it said "After being duly sworn by  
10 the Foreman of the Orleans Parish Grand  
11 Jury, was questioned and answered as  
12 follows"?

13 A I told you it didn't refresh my memory to recall  
14 everything correct. All I can tell you is  
15 this, it appears to be an official docu-  
16 ment on June 28, 1967. There is no way  
17 possible that I could recall in 1969 what  
18 I said before a Grand Jury June 28, 1967.  
19 I don't recall. I appeared before the  
20 Grand Jury.

21 Q Do you recall whether or not on that appearance  
22 -- and again without saying who you may have  
23 named, if anyone -- do you recall whether  
24 or not on that appearance you named anyone  
25 as Clay Bertrand?

5/N3

1 A I respectfully decline to answer that question  
2 for the reason it may, might, could or  
3 would tend to incriminate me. I have  
4 three articles in an open case in mind,  
5 Articles 123, 124, 125, the case now pend-  
6 ing before --

7 THE COURT:

8 Mr. Alcock, the status is that you have  
9 not read to him this contradictory  
10 statement.

11 MR. ALCOCK:

12 All right. I will read the statement.

13 BY MR. ALCOCK:

14 Q The question propounded to you was as follows:

15 "Q And this was the man who was introduced  
16 to you as Clay Bertrand?

17 "A Right.

18 "Q Have you talked to this man on the phone  
19 recently?

20 "A I talked to him almost every day. I have  
21 known him a long time.

22 "Q Your testimony now is that this is the man  
23 who sent clients to your office?

24 Talked to you on behalf of homosexuals?

25 "A This is the man who sent clients to my

5/N4

office, sometimes they were fags,  
sometimes they weren't.

"Q Is this the man who called you in the  
hospital and asked you to represent  
Lee Harvey Oswald?

"A This is the man I believe called me. I  
believe -- what you all believe is  
your affair."

Do you recall making that statement?

A Not now, but if it is in there apparently I  
made it. It doesn't refresh my memory.

Q Going back to your statement before the Warren  
Commission, the statement that I believe  
you have right before you now -- do you  
have Page 331?

A Right.

Q Let me ask you this before we go into that. At  
the time that you were being interviewed  
by Mr. Liebeler, did you have in your  
mind the true identity of this man you  
named Clay Bertrand?

A I respectfully decline to answer that question  
for the reason that it may, might, could  
or would tend to incriminate me or link me  
with a chain of circumstances. I have

D5/N5

1 three specific provisions in mind, Articles  
2 123, 124, 125, in the open case pending  
3 against me.

4 MR. ALCOCK:

5 Your Honor, unless we can determine this,  
6 none of this will make any sense.

7 THE COURT:

8 Mr. Alcock, I can't tell the State how to  
9 run their case. I sustain his objec-  
10 tion to the last question.

11 BY MR. ALCOCK:

12 Q Mr. Andrews, when you appeared before the  
13 Orleans Parish Grand Jury on June 28, 1967,  
14 do you recall making the statement -- and  
15 I will leave out the name of the individual.  
16 I asked you if you ever heard from Clay  
17 Bertrand after the time you were called  
18 about representing Lee Harvey Oswald in  
19 the assassination, and the answer was:  
20 "I ain't seen nor heard of him since, not from  
21 Clay Bertrand, because I call him (and  
22 there is a name). You are right, -- I  
23 told you that, -- and I ain't seen hide  
24 nor hair of him nor heard from Clay Bertrand  
25 other than one time I remember when I was

D5/N6

98

1 with Regis up there, I called him (and  
2 there is the name again), I was introduced  
3 to the man one time."

4 Do you recall making that statement?

5 A No, but if it is what you read, I made it. I  
6 cannot recall what took place in that  
7 lengthy interrogation before the Grand  
8 Jury in 1967, but if it is written in  
9 there I made the statement.

10  
11  
12  
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14  
15 NO HIATUS HERE.  
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VOLUME TWO

D6/N1

1 Q All right. Going back to your testimony before 99  
2 the Warren Commission, or rather before  
3 Mr. Liebeler, I address your attention to  
4 Page 334, I address your attention to the  
5 question propounded by Mr. Liebeler as  
6 follows:  
7 "Q Do you have a picture in your mind of  
8 this Clay Bertrand?  
9 "A Oh, I ran up on that rat about six weeks  
10 ago and he spooked, ran in the  
11 street. I would have beat him with  
12 a chain if I had caught him."  
13 Do you recall making that statement?  
14 A No, but since it is written here apparently I  
15 made the statement. This is 1964, today  
16 is 1969. I have no --  
17 Q Go ahead.  
18 A -- recollection of making it. However, if it  
19 is here, apparently I made it at the time  
20 I was interrogated by Mr. Liebeler.  
21 Q Now, is that the same individual that you had  
22 reference to in the Grand Jury on the  
23 question-and-answer situation I have just  
24 read to you?  
25 A I respectfully decline to answer that question

1 for the reason that an answer to that  
2 question may, might, would or could tend  
3 to link me with a chain or chain of  
4 circumstances that would ultimately in-  
5 criminate me. I have three specific  
6 provisions in mind, Articles 123, 124,  
7 125, to the open case in this case pending  
8 against me.

9 THE COURT:

10 I sustain the witness's objection.

11 MR. ALCOCK:

12 Your Honor, the State is not allowed to  
13 proceed on the cross-examination?

14 The Court has completely cut the  
15 State off from impeaching this witness?

16 THE COURT:

17 Sheriff, take the Jury in my office, please.

18 (Whereupon, the Jury retired from  
19 the proceedings.)

20 MR. ALCOCK:

21 Your Honor, my position is basically this:

22 When this man took the witness stand  
23 and made categorical statements about  
24 Clay Bertrand, he waived his Fifth  
25 Amendment rights about Clay Bertrand.



D6/N3

101

1 THE COURT:

2 Stop right there. I disagree with you  
3 100 per cent. Now, if we don't agree  
4 on that, we are not going to get any-  
5 where.

6 MR. ALCOCK:

7 In addition to that, Your Honor, --

8 THE COURT:

9 He can waive it when he wishes to waive it,  
10 and when he wants to invoke it I have  
11 to respect it. That is the legal  
12 situation. If he wants to waive it  
13 when it comes to the Defense side and  
14 he doesn't -- I cannot stop him -- if  
15 he wants to invoke it when you ask  
16 him questions, I have to rule on it.

17 MR. ALCOCK:

18 Well, our client, the State of Louisiana,  
19 has a constitutional right of con-  
20 frontation, and I think that that  
21 right of confrontation is being denied  
22 by this Court because we are not  
23 allowed to elicit from this man the  
24 many contradictory statements he made  
25 about Clay Bertrand.

/N4

THE COURT:

102

Mr. Alcock, I feel sorry about your client but I have to follow your client's law, your client is the one that tells me what to do. I am following the law of the State of Louisiana whether you agree with me or not. I would like to say I have not denied you the right under Article 493 of proving a contradictory statement made by Mr. Andrews. Whenever you have read a statement to him up to this point, he has admitted making it. If he denies it, well, then you can bring evidence to show that it is true. He has admitted making the statements that you have asked him. In my opinion he has, he has not denied it. But when you go and rephrase a question or put a question to Mr. Andrews which is not in writing, not in the Grand Jury testimony, it is not in the questioning by Mr. Liebelor, the President's Commission attorney, if at that time the witness, Mr. Andrews

D6/N5

103

1 invokes his rights, and I have to rule  
2 on them, when he does invoke them,  
3 and I think it is germane and that he  
4 is making a legal, good objection, I  
5 will rule in his favor. I have con-  
6 sistently done that. That is the  
7 legal situation.

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13 NO HIATUS HERE.  
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D/7N

104

1 MR. ALCOCK:

2 Well, Your Honor, I would ask for a brief  
3 recess in order that -- I did not  
4 appreciate the Court's ruling to be  
5 of that nature prior to the luncheon  
6 recess. I am not saying that the  
7 court didn't indicate that, I just  
8 say I did not understand it to be  
9 of that nature.

10 THE COURT:

11 Let's go over it again so there can be no  
12 question. The best proof of a prior  
13 contradictory statement when it has  
14 been made in writing, is the writing  
15 itself.

16 MR. ALCOCK:

17 I realize that.

18 THE COURT:

19 You have given to the witness a copy of  
20 his testimony before the President's  
21 Commission when he was interviewed  
22 by Mr. Wesley J. Liebeler. You have  
23 also shown to Mr. Andrews a transcript  
24 of his testimony before the Grand Jury.  
25 If you wish -- if you remember my

7/N

1 earlier ruling, I said you could  
2 question the witness on prior contra-  
3 dictory statements.

4 MR. ALCOCK:

5 I know that, Your Honor.

6 THE COURT:

7 I have not deviated from that ruling.

8 MR. ALCOCK:

9 Well, --

10 THE COURT:

11 The only question that you and I are at  
12 odds about is that you feel since  
13 he testified like he did originally  
14 on direct, that he opened the door  
15 and therefore he more or less gave  
16 away his rights and privileges. You  
17 and I differ on that point, I say he  
18 did not, any time he wishes to invoke  
19 his constitutional privileges, I have  
20 to rule on it as of that moment  
21 irrespective of what he may have  
22 testified to on direct. Now that is  
23 where we disagree.

24 MR. ALCOCK:

25 It is the Court's position that a man

cannot answer a question and thereby  
ever open up the door on a Fifth  
Amendment proposition?

THE COURT:

Not in my opinion. He can inadvertently  
answer 50 questions, and just because  
he answered 50, all of a sudden his  
attorney wakes up and tells him not  
to answer any more, and then he  
stops, you can't force him to answer  
that question.

MR. ALCOCK:

Well, Your Honor, I think Mr. Andrews  
appreciates this, because he keeps  
repeating he doesn't want to say any-  
thing that might form a link in the  
chain.

THE COURT:

That is correct.

MR. ALCOCK:

Once he provides the Court with any link,  
the State or questioning party has a  
right to question him about the whole  
area and therefore make a complete or  
entire chain. Mr. Andrews appreciates

1 this.

2 THE COURT:

3 I will tell you what I will do. I am  
4 going to send the Jury upstairs, and,  
5 if you wish, I am going to take about  
6 a 20-minute recess, and let you with  
7 your assistants, let you go research  
8 it and show me an article in the law  
9 where I am wrong. If you can show me  
10 I am wrong, I will be happy to have  
11 you do that.

12 It is 17 minutes after 2:00. Suppose we  
13 take a recess for about 20 minutes,  
14 and if you need more time can you send  
15 word to me?

16 MR. ALCOCK:

17 Yes, Your Honor.

18 THE COURT:

19 You understand the legal proposition?

20 MR. ALCOCK:

21 Yes, sir.

22 THE COURT:

23 We will take a recess.

24 (Whereupon, a recess was taken.)

25 AFTER THE RECESS:

D7/N

THE COURT:

108

I wish to make a dictation into the record to get myself squared away right away.

The legal question raised -- and this is dictated out of the presence of the Jury -- the legal question raised, which we took a recess to research, to put it more or less in lay language: Can a witness either for the State or for the Defense take the witness stand and after being properly advised by his own attorney and by the Court as to the possibility of him incriminating himself, knowing at the time when he takes the witness stand, even though under subpoena, that he may be called upon either on direct or cross-examination to answer questions which may pertain to a pending criminal proceeding against him -- the witness is in a dual role: First, as an ordinary witness he could claim his Fifth Amendment Federal Constitutional privileges as well as Article 1,



Section 11(?) of the Louisiana Constitution, which both in effect state that no person shall be compelled to give evidence against himself in a criminal case or in any proceeding which may subject him to a criminal prosecution.

Now, this is not a criminal case being tried against Mr. Dean Andrews, but it is a proceeding in court which could subject him to criminal prosecution. The only exception to the rule about incrimination contained in the Louisiana Law refers to the law of bribery. In this particular instance the District Attorney of this Parish as well as every other parish in the 64 of the State can offer immunity to either the bribe-giver or the bribe-taker, and when he so does and if that person is before the Grand Jury, he can force that person, by offering him the immunity he can force that person under penalty of contempt, which is done by repeating

D7/N

1 the questions to him in open court  
2 before the Judge, to serve that person  
3 with a criminal offense of contempt  
4 of court by refusing to give informa-  
5 tion when he has been offered some  
6 state immunity as to that particular  
7 crime.

8 Now, that brings us up to the status of  
9 Mr. Andrews. When he took the witness  
10 stand today under subpoena by the  
11 Defense, his rights were explained to  
12 him by the Court, as well as the  
13 statement made by him to the effect  
14 that he and his attorney had researched  
15 the law on incrimination, and apparent-  
16 ly he was well versed in it because he  
17 repeated almost verbatim, if not ver-  
18 batim, when he refused and interposed  
19 an objection, he stated the reasons,  
20 referring to Criminal Code Articles  
21 123, 124, 125.

22 Now, the question brought before me was  
23 whether or not the State by producing  
24 previous testimony to the witness, the  
25 questioning of Mr. Andrews by Mr.

7/N

111

1 Liebeler and later the testimony  
2 given before the Grand Jury, and  
3 the status of the matter then came  
4 up to a point where Mr. Alcock would  
5 ask Mr. Andrews if he made certain  
6 statements to Mr. Liebeler, which he  
7 admitted, did not deny, but in some  
8 way stated that since it was made  
9 such a long period of time ago he  
10 would not deny it but he doesn't re-  
11 member making it.

12 When we get to the question of his Grand  
13 Jury testimony that was made I think --  
14 what was the date of the Grand Jury  
15 testimony?

16 MR. ALCOCK:

17 The one I referred to?

18 THE COURT:

19 June 28, 19 -- what?

20 MR. ALCOCK:

21 -- '67.

22 THE COURT:

23 -- 1967, whereas his questioning by Mr.

24 Liebeler was July 21, 1964. Now I

25 have ruled when Mr. Alcock went out

and beyond the alleged contradictory statement, that he could not pursue the matter, because it looked to me like Mr. Dean Andrews would at the proper time, if he so desired, insert and invoke his constitutional provisions under the Federal Fifth Amendment and the Louisiana State Constitution.

In my research -- and I am not saying this to take away from Mr. Alcock, but before Mr. Alcock came to my office I was about to send for him because I found in the evidence hornbook, which is basic criminal law, I found the following on Page 376 of John J. McKelvey's (?) Law of Evidence. This was published in 1907. It is an old lawbook but it is still good law. It states here:

NO HIATUS HERE.

D8/P1

113

1 "The general American doctrine  
2 is that a witness who enters into a  
3 subject which is incriminating, must  
4 answer all questions relating to  
5 that subject."

6 The cite one Ward on Evidence  
7 (?) 539.

8 Now, under that citation author-  
9 ity, they say:

10 "But see contra (which is against)  
11 Chesapeake Club v. State.

12 "The English doctrine as laid  
13 down by nine judges as against six,  
14 is that the witness may claim his  
15 privilege at any time even after  
16 having partially gone into the  
17 subject."

18 And that is the case of Crown  
19 (which would be in England).

20 To go back to my general subject  
21 matter:

22 "The general American doctrine  
23 is that a witness who enters into a  
24 subject matter which is incriminating,  
25 must answer all questions relating to

D8/P2

1 that subject. He cannot stop at will 114  
2 after having told part of the facts.  
3 This is not considered unfair to the  
4 witness and is necessary to a proper  
5 testing of his statements by cross-  
6 examination. It would be productive  
7 of grave injustice on many occasions  
8 if a witness could give such version  
9 as he chose as incriminating facts  
10 on his direct examination, and then  
11 be allowed to refuse to answer  
12 questions on cross-examination or  
13 when saw on cross-examination that he  
14 was being made to put the facts in a  
15 different light, to stop short and  
16 decline to testify further. The  
17 courts provide against this by giving  
18 a witness his option whether to tes-  
19 tify or not, but having exercised his  
20 option, they compel him to stand by it.  
21 If, however, a witness has not  
22 intentionally entered upon the incrim-  
23 inating matter and as soon as he  
24 realizes his position claims his  
25 privilege, it will be allowed. An

JAN 19 1961

115

1 accused person who takes the stand  
2 in his own behalf . . . ."

3 which does not fit our situation  
4 here.

5 So it would seem -- that is  
6 McCelvey (?). We have another  
7 authority which was presented to me  
8 by Mr. Alcock which more or less  
9 covers the same subject matter.

10 It says here, page 2276 of  
11 Wigmore on Evidence, Volume VIII,  
12 McNaughton Revision published 1961 --  
13 this is a case quoting from Justice  
14 Cameron, a Michigan case, 1869:

15 "Where he has not actually  
16 admitted incriminating facts, the  
17 witness may unquestionably stop short  
18 at any point that he would go no  
19 further in the correction, but the  
20 rule which allows a witness to refuse  
21 answering questions not directly  
22 pointing to the guilt, rests solely  
23 on the doctrine that in most cases  
24 the incrimination would be made out  
25 by a series of circumstances, any

/P4

1 one of them may have such a tendency 116  
2 to aid in reaching a result that an  
3 answer concerning it may supply means  
4 of conviction by aiding the other  
5 proofs, which as indicated are sup-  
6 plements on behalf of the prosecution,  
7 the right to decline answering as to  
8 these minor facts is merely an  
9 access to declining answering to the  
10 entire criminal charge and can have  
11 been of no manner of use, in that  
12 once admitted it must be regarded as  
13 waived when the objection to answer-  
14 ing to the complete offense is  
15 waived. The law does not endeavor to  
16 preserve any vain privilege, and such  
17 a privilege as would allow a witness  
18 to answer a principal incriminating  
19 question and refuse to answer as to  
20 the incidents would be worse than  
21 vain, for while it could not help the  
22 witness, it must inevitably injure the  
23 party who was thus deprived of the  
24 power of cross-examination to test  
25 the credibility of a person who may



JAN 1964

D8/P5

1 by avoiding it indulge his vindictive 117  
2 or corrupt passions with immunity,  
3 and the further consideration is also  
4 recognized that a witness has no  
5 right under pretense of a claim of  
6 privilege to prejudice a party by a  
7 one-sided or garbled narrative."

8 Considering what I have read and  
9 applied to the facts of the issue  
10 before me, I would state that when  
11 Mr. Andrews took the stand under  
12 subpoena, he could have at that  
13 moment, before he answered any ques-  
14 tions put to him on Direct Examination  
15 by Mr. Dymond, he could have claimed  
16 his privilege of incrimination because  
17 he is presently under charges and  
18 also appealing a conviction, but he  
19 chose not to at that time.

20 Now, I know what his testimony  
21 was. It was to the effect that he  
22 never knew Mr. Clay Shaw and never  
23 knew him by the name of Clem  
24 Bertrand. So that is what we call  
25 half a coin. If he knows Mr. Shaw

D8/P6

118

1 is not Clay or Clem Bertrand, the  
2 State is trying to find out from him  
3 who does he know by that name.

4 Now, up to now I have permitted  
5 the State to use contradictory state-  
6 ments but I have prohibited them from  
7 further originating questions, and I  
8 have in the past sustained the objec-  
9 tions put by Mr. Andrews when the  
10 questions were posed to him. I will  
11 now change my position after avail-  
12 ing myself of research myself, and I  
13 will permit a full cross-examination  
14 of the witness, Mr. Andrews, on all  
15 of the facets that he opened when he  
16 stated to his personal knowledge the  
17 Defendant, Mr. Shaw is not Clem or  
18 Clay Bertrand. So, in effect, I will  
19 permit the State the widest range in  
20 examining that which was brought out  
21 on Direct Examination, and if  
22 Mr. Andrews raises the question of  
23 self-incrimination, I will rule that  
24 it will not lie, and we will see  
25 what will happen when that point is

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NO HIATUS HERE

1 MR. BARRY:

2 Your Honor, at this time --

3 THE COURT:

4 Wait a minute. I will let you be heard.

5 MR. BARRY:

6 At this time, out of an abundance of  
7 caution, I would like to let the  
8 record reflect that Mr. Andrews  
9 objects to your ruling and we take  
10 a bill of exception making a part  
11 thereof Your Honor's ruling, Mr.  
12 Andrews' objection and the questions  
13 posed to him --

14 THE COURT:

15 Very well. Now, if Defense Counsel wishes  
16 to take a bill, they may also take a  
17 bill, and I would suggest that you  
18 renew your bill of exception in the  
19 presence of the Jury, but I note that  
20 you object to my ruling. You make  
21 part of your bill of exception my  
22 reasons given and your objections,  
23 in front of the Jury now, if you wish.

24 MR. DYMOND:

25 Your Honor, we don't have any right to

1 take a bill and don't intend to do  
2 so.

3 THE COURT:

4 Very well.

5 Before the Jury comes back, Mr. Alcock, I  
6 might state before the Jury comes  
7 down that I found it before you  
8 brought it to me.

9 (LAUGHTER)

10 THE BAILIFF:

11 Order in court!

12 (Whereupon, the Jury returned  
13 to the box.)

14 THE COURT:

15 I have made a ruling wherein I will permit  
16 the State to force the witness to  
17 give an answer to questions which  
18 go into detail, because of the  
19 answers given by Mr. Andrews on his  
20 direct examination and for my reasons  
21 which I have cited out of the  
22 presence of the Jury. I will ask  
23 at this moment that they be rein-  
24 serted in the record at this time.

25 (Whereupon, the Court's reasons for

22  
99/N3

122

1 ruling are here again made part  
2 of the record by reference.)

3 THE COURT:

4 You may take your bill of exceptions.

5 MR. BARRY:

6 At this time the witness would reserve  
7 a bill of exceptions to the ruling  
8 of Your Honor, making a part thereof  
9 the ruling of Your Honor, the reasons,  
10 the questions propounded to the wit-  
11 ness, the objection of the witness,  
12 and all other parts relevant thereof  
13 of the record.

14 THE COURT:

15 I would in an abundance (of precaution)  
16 say all questions and answers put to  
17 Mr. Andrews be made part of your bill.

18 MR. BARRY:

19 Right.

20 THE COURT:

21 You may proceed, Mr. Alcock.

22 BY MR. ALCOCK:

23 Q Mr. Andrews, when you received this telephone  
24 call on November 23, 1963, did you have  
25 an image in your mind as to who the person

D9/N4

123

1 was who identified himself on that  
2 occasion?

3 A Yes.

4 Q Did you know him by any other name than Clay  
5 Bertrand?

6 A Gene Davis.

7 Q Gene Davis?

8 A Yes.

9 Q How long have you known Mr. Davis?

10 A How many years I don't recall, quite some time.

11 Q Did you meet Mr. Davis originally at this fag  
12 wedding as you testified?

13 A No.

14 Q You did not meet him at the fag wedding?

15 A No. I was introduced to him at this fag  
16 wedding, I did not meet him there.

17 Q You had known him prior to the wedding?

18 A Yes.

19 Q About how long prior to the wedding had you first  
20 met him?

21 A Six months, a year.

22 Q Was he your client at the time?

23 A No. I wasn't out of law school then, I was an  
24 undergraduate going to law school.

25 Q I see. Did you have occasion during this period

99/N5

124

1 right after you met the man you identify  
2 as Clay Bertrand, to see him very often?

3 A I have never identified Gene Davis, to my  
4 knowledge, as Clay Bertrand. I have used  
5 the words "Clay Bertrand" as a cover to  
6 mentioning Gene Davis. I have never  
7 identified him as Clay Bertrand, to my  
8 knowledge.

9 Q Oh, I see. This is the cover that you gave the  
10 FBI on the 23rd or 24th, whenever they  
11 interviewed you?

12 A As I recall, yes.

13 Q Was the voice that you recognized on the phone  
14 that of Gene Davis? Is that your testi-  
15 mony?

16 A That is correct. This is in 1963. I had been  
17 out of law school since '51, and I had had  
18 occasions to represent Mr. Davis and talk  
19 to him, and, as most lawyers, you get  
20 accustomed to your clients' voice when they  
21 call you.

22 Q I see. Well, prior to the time that you re-  
23 ceived this telephone call allegedly from  
24 Mr. Davis, did you have occasion to see  
25 him often prior to that? Was he your client



D9/N6

125

1 prior to that?

2 A I have served Gene Davis, yes, on matters.

3 I would say yes, he was a client.

4 Q Did you ever see him with Lee Harvey Oswald?

5 A No.

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13 NO HIATUS HERE.

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10/P1

126

Q Is there any reason why you didn't tell the F.B.I. when they were seeking the identity of the man you said was Clay Bertrand?

A At the time I was under the influence of opiates and sedation. I did not have any knowledge they were seeking Clay Bertrand until maybe three, four days later, if I was aware of it then.

Q Well, at that time did you notify the Federal Bureau of Investigation?

A No.

Q Did you ever notify the Federal Bureau of Investigation?

A Formally?

Q Formally.

A No, I think I did informally but it was after this investigation took place, not prior, informally.

Q Can you recall the last time you had seen this man that you identify as Clay Bertrand prior to going into the hospital?

A I never have identified anybody as Clay Bertrand, I have used Clay Bertrand as a cover name for Gene Davis.

Q All right. Well, Gene Davis. When was the

D10/P2

127

1 last time you saw Gene Davis prior to go-  
2 ing into the hospital in November of 1963?

3 A I would have to guess. About two weeks before  
4 I went into the hospital.

5 Q So then when you told the Warren Commission  
6 under oath that you hadn't seen him in six  
7 months, you were telling a lie?

8 A I believed what I told them at that time. You  
9 have to take -- May I explain my answer,  
10 Judge?

11 THE COURT:

12 Certainly.

13 BY MR. ALCOCK:

14 Q Certainly.

15 A At the time Mr. Liebler was questioning me,  
16 it is just as it is in the courtroom,  
17 rapid fire. It was an informal meeting, I  
18 didn't place too much importance to why  
19 an insignificant person like myself would  
20 even be called. I answered the best I  
21 could at that time. I didn't deliberately  
22 lie, I might have overloaded my mouth with  
23 the importance of being a witness in the  
24 front of the Warren Report, but other than  
25 that I didn't deliberately lie. I think

p10/P3

128

1 the only explanation I can give you is  
2 that my mouth went ahead of my brain.

3 Q Do you recall telling Mr. Liebler that you saw  
4 Clay Bertrand six weeks prior to the time  
5 that he questioned you?

6 A Well, I figured that wasn't material. You can  
7 call it a lie if you want, I call it  
8 huffing and puffing.

9 Q Huffing and puffing under oath?

10 A Bull session.

11 Q Do you recall making that statement under oath?

12 A I don't particularly recall it, but I have noted  
13 that it is in the report and I assume I  
14 must have made it.

15 Q That wasn't correct, was it?

16 A No.

17 Q Do you recall telling the agents of the F.B.I.  
18 that Gene Davis or the man that allegedly  
19 called you, was about 6'1 or 6'2 inches  
20 tall?

21 A I have no recollection whatever of talking to  
22 the F.B.I. That is a long time ago. I  
23 have never been able to get the field  
24 notes that the agents took. They say there  
25 were two agents there, I only remember one.

D10/P4

129

1 Q Who is the one you remember -- Regis Kennedy?

2 A Regis Kennedy, Mr. Kennedy.

3 Q You testified earlier that Mr. Kennedy had  
4 attempted to locate this Clay Bertrand, is  
5 that correct, as a result of the conver-  
6 sation with you?

7 A This is what I gathered. I was still under  
8 sedation, still using oxygen then I be-  
9 lieve. This is vague, way off in the  
10 distance. He appeared before me like a  
11 myth. I remember answering questions, I  
12 don't remember what they were. On the  
13 Thursday the only thing that I can recall  
14 is could I give him any better information,  
15 and I told him, no, call your man up, do  
16 whatever you want. If you want to think  
17 that I am a squirrel or I am not, be my  
18 guest, I cannot help you.

19 Q And you didn't chose to help the F.B.I. on that  
20 occasion by giving them the name of  
21 Gene Davis?

22 A I didn't chose to implicate an innocent man,  
23 Gene Davis, in something that I couldn't  
24 even recall what I said, all I was aware of  
25 was the importance, that it came after.

D10/P5

30

1 It is just like I explained on Direct  
2 Examination, this man Gene Davis, he makes  
3 the phone call. When the pressure and not  
4 force, these people were very nice -- I  
5 don't understand, I have never been treated  
6 anything other than nice by the F.B.I.,  
7 but all of a sudden it dawned on me that as  
8 a result of my calling those people I could  
9 involve an innocent party into a whole lot  
10 of humbug. At that time in the hospital  
11 under sedation I elected a course that I  
12 have never been able to get away from. I  
13 either get indicted or I get charged, or  
14 people interpret it different, and all it  
15 is is just like I said, this is Gene Davis,  
16 I didn't want to get him involved. I  
17 started it and it has been whiplashing  
18 ever since, I can't stop it.

19 Q You say an innocent man. This man called you on  
20 behalf of Lee Harvey Oswald?

21 A No, it didn't go like that. I don't recall what  
22 I told Regis Kennedy, but I know, I am  
23 positive that that was not the purpose of  
24 the phone call. I sat back -- and I have  
25 had many a time to try and try and

10/P6

131

1 reconstruct -- the best that I can re-  
2 construct was that Gene Davis called me  
3 to pass an act of sale for two of the kids  
4 while I was in the hospital, what time  
5 Saturday I don't know. I told him that  
6 I was sick in the hospital, if he could  
7 get my seal out of the office I would pass  
8 the act there. Naturally that was an  
9 important thing to everybody. I don't  
10 know whether I suggested, -- Man, I would  
11 be famous if I could go to Dallas and  
12 defend Lee Harvey Oswald, whoever gets  
13 that job is going to be a famous lawyer,  
14 or whether in a conversation it came  
15 about. Nobody said it per se as everybody  
16 believed. I think I might have said it  
17 before Mr. Liebler, but I didn't have the  
18 benefit as I have -- at each time I never  
19 can remember, everybody tells me what I  
20 said, they got it down in writing but they  
21 never show me, and it whiplashed.

22  
23 NO HIATUS HERE.  
24  
25

/N1

132

1 Q Do you mean to tell me at this time you are  
2 now telling this Court under oath that  
3 no one called you on behalf of the repre-  
4 sentation of Lee Harvey Oswald in Dallas?

5 A Per se my answer is yes, no one called me to  
6 say that. The phone call I received was  
7 a local call from Gene Davis involving two  
8 people who were going to sell an automobile  
9 and they wanted the title notarized and a  
10 bill of sale notarized.

11 Q An automobile? I thought it was an act of sale  
12 you were talking about.

13 A That is an act of sale, a movable passing from  
14 one person to another.

15 Q Why is it you called Monk Zelden on Sunday then  
16 and asked if he wanted to go to Dallas?

17 A No explanation. Don't forget I am in the hos-  
18 pital sick, I might have believed it my-  
19 self or thought after a while I was re-  
20 tained there, so I called Monk. I would  
21 like to be famous, too, other than as a  
22 perjurer.

23 THE BAILIFF:

24 Order in Court!

25 Q That is going to be difficult.



p11/N2

133

1 A C'est la vie.

2 Q Are you saying now that the call as far as it  
3 regards the representation of Lee Harvey  
4 Oswald is a figment of your imagination?

5 A I have tried to say that consistently, and no-  
6 body ever gave me a chance.

7 Q No one ever gave you a chance?

8 A Right. Read the questions and answers in every-  
9 thing you have got there; you won't find  
10 one.

11 Q How many times did you testify before the  
12 Orleans Parish Grand Jury?

13 A Three times.

14 Q Did you tell them it was a figment of your  
15 imagination?

16 A No.

17 Q Did you consider that an adequate chance?

18 A At that time all I was concerned about was  
19 getting out of a mess that I didn't belong  
20 in. I cannot give you any explanation as  
21 to why. All I knew is I was walking in a  
22 trap.

23 Q Did you have a chance before the Warren Com-  
24 mission?

25 A They never gave me a second bite at the apple.

D11/N

134

1 Q What?

2 A They never gave me a second bite at the apple.

3 Q You don't think they presumed you told the truth  
4 at the first bite?

5 A I don't think they believed anything other than  
6 Harvey Oswald might have been in the office.  
7 That is my appreciation of their evaluation  
8 of my testimony. I don't even know how  
9 they took the time and money to send some-  
10 body down to interview me.

11 MR. ALCOCK:

12 May I have just a moment, Your Honor?  
13 (There was a brief pause in the  
14 proceedings.)

15 BY MR. ALCOCK:

16 Q Didn't Mr. Liebeler during the course of --  
17 and I am referring to Page 334 of your  
18 Warren Commission testimony -- didn't Mr.  
19 Liebeler actually ask you whether or not  
20 this was a figment of your imagination?  
21 Do you have a copy up there?

22 A I don't recall, and it is a waste of time to look  
23 at it; if it is in there, read it verbatim,  
24 and if he did, he did.

25 Q Do you recall what you responded?

D11/N

135

1 A No, but the answer would be in there.

2 Q Do you recall saying the phoebes tried to put  
3 it that way?

4 A Look, I think you are talking out of context.

5 Q All right. Look at it.

6 A What page?

7 Q 334.

8 A I can't see the copy, Man!

9 THE COURT:

10 Would you indicate on the page, Mr. Alcock?

11 MR. ALCOCK:

12 Yes, it is about midway down, the long  
13 question about the middle of the  
14 page. "Do you have a picture in  
15 your mind of Clay Bertrand" is where  
16 it starts.

17 THE COURT:

18 I see, I see.

19 A I said it. I can explain it. You want the  
20 explanation?

21 Q Yes, let's have the explanation.

22 A I had started it and couldn't quit.

23 Q Couldn't quit what?

24 A Continuing the cover name.

25 Q Why didn't you tell them Gene Davis was the man?

D11/N

136

1 A I don't know, I just decided I wouldn't get  
2 Gene Davis involved, so I made a mistake,  
3 I made an error.

4 Q You mean you committed perjury?

5 A That is your impression of it.

6 Q Were you under oath at this time?

7 A The Federals are the only ones can charge me  
8 with perjury, no one else.

9 Q Were you under oath at this time?

10 A Yes.

11 Q On the top of Page 335 -- do you have that?

12 A Yes.

13 Q The question by Mr. Liebeler:

14 "Q Now, before you ran into Clay Bertrand  
15 in the street on this day, did you  
16 have a notion in your mind what he  
17 looked like?"

18 Your answer:

19 "I had seen him before one time to recognize  
20 him."

21 Was that a true answer or a false answer?

22 A That is carrying on the farce.

23 NO HIATUS HERE.  
24  
25

012/P1

137

1 Q That is lying some more? Right?

2 A If you want to call it that you can; I say I  
3 am carrying on my cover. I started  
4 something. Nobody would give me the  
5 information I started with, and it whip-  
6 lashed. I elected in my judgment not to  
7 involve a person who has absolutely noth-  
8 ing to do with Kennedy, in no way, shape  
9 or form, and I got hooked with it. I  
10 elected to stick with it, and here I sit.

11 Q How do you know this, Mr. Andrews, that he had  
12 nothing to do with the assassination of  
13 President Kennedy?

14 A Gene Davis?

15 Q How do you know that?

16 A Just like I know you, Alcock, you had nothing  
17 to do with it either.

18 Q But you didn't give my name, did you?

19 A No.

20 (LAUGHTER)

21 Q Down further:

22 "When you saw him that day he appeared  
23 to you as he had before when you recognized  
24 him?

25 "Answer: He hadn't, hasn't changed

D12/P2

138

1 any in appearance I don't think, maybe a  
2 little fatter, maybe a little skinnier."

3 A This is page after page of bull.

4 Q In other words, page after page after page of  
5 lies?

6 A It you want to call them that, that is your  
7 privilege.

8 Q You were under oath the entire time? Is that  
9 correct?

10 A That is correct.

11 Q And you knew --

12 A My explanation of it is that I had elected not  
13 to involve an innocent person in a  
14 serious matter such as this. I did the  
15 best I could with what I had, and here I  
16 sit.

17 Q Because you chose to lie?

18 A That may well be.

19 THE COURT:

20 Mr. Alcock, would you permit a question?

21 MR. ALCOCK:

22 Yes, Your Honor.

23 BY THE COURT:

24 Q Where did you ever get the name of Clay  
25 Bertrand in your mind?

D12/P3

1 A The only way I can explain it, Judge, is I  
2 tried during the time of Regis Kennedy  
3 to figure out some way to associate Gene  
4 Davis' phone call with what I had told  
5 Regis Kennedy. When it dawned on me that  
6 they would pounce on this man and cause  
7 an investigation -- and I couldn't think  
8 of Clay to save my life, the only thing I  
9 could remember was Bertrand -- I don't  
10 recall how long it took for me to put the  
11 two together, and I remembered the fag  
12 wedding reception, Big Joe introducing me  
13 to a man who I knew as Gene Davis, as  
14 Clay Bertrand, casually, and that is how  
15 I put the two together as a cover to  
16 remember what I was saying in relationship  
17 to the phone call.

18 Q Not Joe Brown or Charlie Smith? Clay Bertrand?

19 A Of all names to pick, I picked that one.

20 THE BAILIFF:

21 Order, please!

22 BY MR. ALCOCK:

23 Q In other words, you went back in your mind 13  
24 years to recall that name on this occasion?  
25 Is that correct?

139

D12/P4

140

1 A It wasn't easy.

2 Q I know it wasn't easy, but --

3 THE BAILIFF:

4 Order, please!

5 BY MR. ALCOCK:

6 Q -- you couldn't have been too delirious.

7 A Well, I am usually shot, but in fumbling around  
8 -- and I remember I had to fumble around,  
9 I couldn't quite zero it in, it took me a  
10 while to do it, and I am capable of doing  
11 it faster than I did it.

12 THE COURT:

13 Let me ask one other question.

14 BY THE COURT:

15 Q Had you ever met anybody in your life by that  
16 name?

17 A Only this introduction. It was casual, at the  
18 reception. Other than that, the answer is  
19 no.

20 BY MR. ALCOCK:

21 Q Now, isn't it a fact you called the Secret  
22 Service and the F.B.I. on that occasion?

23 A Positively.

24 Q Why did you call them if all Gene Davis talked  
25 about was an automobile?



p12/P5

1 A To tell them that Lee Harvey Oswald was in New 141  
2 Orleans. In my judgment it would save him  
3 time checking him out in Dallas, to let  
4 them know immediately he was here during  
5 the period of the last week of April  
6 until I lost track of him.

7 Q Who informed you that Lee Harvey Oswald had or  
8 had not been charged with the assassina-  
9 tion?

10 A I don't know whether or not he was charged with  
11 the assassination at that time.

12 Q Well, how did you know Lee Harvey Oswald was  
13 even critical or interesting at that time?

14 A Out of TV in my room.

15 Q That is just what I asked you. Did his name  
16 appear on television?

17 A I saw him when he shot this guy Ruby (sic).

18 Q That was Sunday?

19 A The 24th.

20 THE COURT:

21 Wait a minute. Ruby shot Oswald, not  
22 Oswald shooting Ruby.

23 THE BAILIFF:

24 Order in the Court!

25 THE WITNESS:

D12/P6

142

1 I can't give you any explanation,

2 Mr. Alcock. Once you make a fool  
3 out of yourself, that is it, you are  
4 stuck with it.

5 BY MR. ALCOCK:

6 Q Do you recall testifying before the Orleans  
7 Parish Grand Jury on March 16, 1967, where  
8 in you said you saw this guy, meaning  
9 Clay Bertrand, twice in your life?

10 A I don't think -- that was a farce -- I don't  
11 recall seeing him. I recall appearing  
12 before the Grand Jury three times. The  
13 first time I wouldn't sign the waiver, you  
14 all cut me loose. The second time I got  
15 another notice and I went up there, and  
16 the only thing I remember was all the  
17 jurors had a copy of the Warren Commission  
18 Report. Mr. Burnes would ask me questions  
19 that conflicted with what I said in the  
20 Warren (Commission) Report that we had  
21 discussed in the DA's Office under the  
22 DA's subpoena, and I could see it was  
23 getting out of hand. I did the best I  
24 could with what I got.

25 Q In other words, you maintained the lie that you

12/P7

143

1 did not know who the man named Clay  
2 Bertrand really was?

3 A I don't remember whether I did or not. If you  
4 want to put it that way, I will accept  
5 it.

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NO HIATUS HERE

13/N1

1 Q Well, I am not trying to put it any way, I  
2 am asking you.

3 A I did not disclose to the Grand Jury what I  
4 am telling you people now, if that is  
5 what you mean.

6 Q All right. In other words, you lied some more  
7 to cover for Gene Davis?

8 A I made conflicting statements.

9 Q You lied, didn't you? Do you mean to tell me --

10 A I made conflicting statements. You call them  
11 what you want, I call them conflicting  
12 statements.

13 Q You mean you weren't asked who Clay Bertrand  
14 was?

15 A I don't know. Read it in there and see if they  
16 asked me.

17 Q Well, I just asked you.

18 A I don't recall.

19 Q You said you saw the guy twice in your life. Is  
20 that true or false?

21 A I have seen him more than that; I have never  
22 seen Clay Bertrand. Read the question  
23 back.

24 Q In other words, your answer, "I saw the guy  
25 twice in my life" --

D13/N2

145

1 A You are taking that out of context and not in  
2 the continuity.

3 Q And it is not true? Right?

4 A It is a conflicting statement. Don't forget,  
5 they had me hemmed in with that Warren  
6 Commission Report that all them people  
7 were reading while they were asking the  
8 questions.

9 Q Dean, the only one that hemmed you in with that  
10 Warren Commission Report was yourself when  
11 you lied under oath to the Warren Com-  
12 mission.

13 A You see these marks on this paper? I gave Mr.  
14 Garrison my testimony. These marks were  
15 made and given to the Grand Jury. Then  
16 Richard Burnes took questions connected to  
17 this and there was no way I could get off  
18 the hook: What was here I had already  
19 sworn to, and I was trying to get off the  
20 hook before the Grand Jury and I was trying  
21 to make conflicting statements, and that is  
22 the best I could do.

23 Q Do you recall when you first identified Clay  
24 Bertrand as being Gene Davis?

25 A Yes, that is the time that I volunteered to

1 appear before the Grand Jury and got  
2 served with a subpoena coming up to the  
3 door, because I was under the impression  
4 as a matter of fact that I could appear  
5 before the Grand Jury and do the best I  
6 could to straighten my testimony out.

7 Q Do you recall when that was? That was June 28,  
8 1967?

9 A If that is the day, that is the day. I don't  
10 recall.

11 Q So in this matter from November, 1963 until  
12 June 28, 1967 you lied?

13 A I made conflicting statements. You interpret  
14 them any way you want.

15 Q You were under oath twice before the Orleans  
16 Parish Grand Jury on that matter, and  
17 under oath before the Warren Commission  
18 on that matter, and you talked to the FBI  
19 agents who were seeking the whereabouts of  
20 this person in November?

21 A And I talked to many, many other people under  
22 oath, and everywhere I went everybody was  
23 very careful to interpret my words, take  
24 them out of context, ram them down my  
25 throat and defy me to make any answer

D13/N4

147

1 different. There was no way that I could  
2 go, I was hemmed in.

3 THE COURT:

4 Mr. Alcock, would you permit me to ask the  
5 witness one more thing?

6 BY THE COURT:

7 Q I don't know whether I understood you correctly  
8 or not, but when I asked you why did you  
9 create the name Bertrand or Clay Bertrand,  
10 did you tell me you met someone at a  
11 wedding by the name of Bertrand?

12 A No, it was created at Hotel Dieu -- I forget  
13 what room I was in, Judge -- whatever day  
14 it was.

15 Q I mean -- you didn't understand my question.  
16 I said did you state that you met a person  
17 by the last name of Bertrand at a wedding?  
18 Did you state you did meet someone by that  
19 name?

20 A No, I stated that I was introduced to a person  
21 who I knew already to be Gene Davis, in a  
22 very casual manner, people half loaded  
23 eating free sandwiches and getting all the  
24 free booze. I got there in the middle of  
25 the thing and Big Jo says, "Meet Clay

p13/N5

148

1 Bertrand," just like that, "everybody."

2 I burst out laughing, I knew the cat --

3 I mean I knew the guy Gene Davis.

4 Q But the girl, Big Jo, she used the name Clay

5 Bertrand? That is where you got that word?

6 A Right. Then whatever time it was in November

7 in Hotel Dieu, I was trying to figure out

8 something to associate when it dawned on

9 me that these people would go looking for

10 Gene Davis, just like they used this

11 gentleman as an example (indicating a

12 juror), get an innocent person involved

13 in something that had nothing to do with

14 anything, so I thought of Bertrand. I never

15 could think of Clay, it took me a while to

16 connect it. If I had my life to live over

17 again I would say his name was John Jones.

18 Q Who did Big Jo point to when she said, "Meet

19 Clay Bertrand"?

20 A Gene Davis.

21  
22 NO HIATUS HERE.  
23  
24  
25



p14/P1

149

1 BY MR. ALCOCK:

2 Q The party Gene Davis, when he called you on the  
3 occasion in November did he identify him-  
4 self as Clay Bertrand?

5 A No, he has never used that name, I have never  
6 known him by that name.

7 Q But you were introduced to him by that name?

8 A That doesn't mean I know him. I knew who he  
9 was, Gene Davis. I have been introduced  
10 as Algonquin J. Calhoun but people know me  
11 as Dean Andrews, know it is not my name.

12 BY THE COURT:

13 Q Where is Big Joe today?

14 A I don't have the slightest idea, Judge. The  
15 last time I saw her was when a Bill of  
16 Information was filed against her for  
17 bribing a police.

18 BY MR. ALCOCK:

19 Q Did Davis ever call you on behalf of Oswald  
20 on any other occasion?

21 A No, never called me on behalf of Oswald --  
22 period.

23 Q Who was guaranteeing Oswald's fee in that case?

24 A I never had any commission, retainer, or any-  
25 thing. That is bull.

D14/P2

150

1 Q That is more bull?

2 A Yep.

3 Q Under oath?

4 A I don't know if I said it like that under oath  
5 or not.

6 Q Mr. Andrews, would it be a fair statement to  
7 say that we can just take your Warren  
8 Commission testimony and throw it in the  
9 ashcan because it is all big lot of bull,  
10 one big lie?

11 A No, part of it is square.

12 Q What is square?

13 A Lee Oswald coming in the office.

14 Q But other than that, the rest is a lie?

15 A No. I was the first critic of the Warren  
16 Report in writing, I didn't wait for five  
17 years, I hopped right on the gravy train.

18 Q What do you mean by that?

19 A In 1964 I told Liebler I didn't believe Oswald  
20 did it, that he was incapable and so was  
21 his instrument.

22 THE COURT:

23 Let me interrupt you a second.

24 Take the Jury upstairs for five  
25 minutes. May I have a conference

14/P3

with the State and the Defense?

151

We will take a 5-minute recess.

(Whereupon, a brief recess was  
taken.)

AFTER THE RECESS:

THE COURT:

All right. You may proceed with the  
witness.

BY MR. ALCOCK:

Q Mr. Andrews, I am going to give you a transcript of your testimony before the Orleans Parish Grand Jury on March 16, 1967, and ask that you read just these few questions and answers, and then I will ask you questions relative to it.

A All right.

Q Now, have you had occasion to read those questions --

A Yes, sir.

Q A- and answers by you. The question is:

"Question: How would you contact Clay Bertrand?"

Your answer:

"I don't recall ever getting in  
contact with him. If you want to know how

14/P4

152

1 I would do it, I would send word through  
2 one of the people in the gay circles.

3 "Question: In other words, if  
4 Bertrand said to you on the telephone he  
5 was good for the retainer or the fee, you  
6 had no way to find Clay Bertrand in the  
7 phone book, address, or by telephone? Is  
8 that correct?

9 "Answer: Yes, that is right."

10 Now, is that true or is that a  
11 lie?

12 A All right. Take your first question first.

13 Q All right. The first question:

14 "And how would you contact Clay Bertrand?

15 "Answer: I don't recall ever getting  
16 in contact with him."

17 Is that true or false?

18 A I would never call Gene Davis who I used the  
19 name Clay Bertrand as a cover for.

20 Q In other words, that is your answer to that  
21 question?

22 A Yes. I didn't hustle business, the guy called  
23 me. Now I am talking about Gene Davis  
24 there.

25 Q But this is the man that you have in your mind

D14/P5

153

as Clay Bertrand?

A Right, and Clay Bertrand is his cover name, and I am keeping on. I am stuck, I am in a whiplash and there ain't no way to get off the hook.

Q Well, since he was your client, I take it this is not completely true then, is it?

A Read it back again.

Q All right.

"Question: How would you contact Clay Bertrand?

"Answer: I don't recall ever getting in contact with him."

Now, since he was your client, Gene Davis, this is obviously a lie, isn't it?

A No. I don't hustle business and I don't call clients unless it is in relationship to business that they have employed me for. In no way, shape or form could that be a lie.

Q You never contacted Gene Davis at all?

A Yes, but in relationship to business that I would be doing with him as a client.

Q Now going to the bottom of the page:

"Now, have you ever seen

D14/P6

154

1 Clay Bertrand?"

2 A No, you asked me another question to look at,  
3 and I want to answer it. Read it.

4 Q All right. Let's see.

5 "Question: In other words, if  
6 Bertrand said to you on the phone he was  
7 good for the retainer or the fee, you had  
8 no way to find Bertrand in the phone  
9 book, address or by telephone? Is that  
10 correct?

11 "Answer: Yes, that is right."

12 A When Gene Davis guaranteed a fee, it is better  
13 than the Bank of England, right on the  
14 line.

15 THE COURT:

16 He didn't ask you that. Why don't you pay  
17 attention to the question?

18  
19  
20 NO HIATUS HERE  
21  
22  
23  
24  
25

155

d15/1

155

1 BY MR. ALCOCK:

2 Q All right.

3 "Q In other words, if Bertrand said to you  
4 on the telephone he was good for  
5 the retainer or the fee, you had  
6 no way to find Clay Bertrand in  
7 the phone book, address or by tele-  
8 phone? Is that correct?"

9 And your answer:

10 "A It was a silent phone number that I don't  
11 have, and I would either go past  
12 where he was or send somebody that  
13 I knew to contact him.

14 "Q You knew where he was?"

15 "A I know where his joint is at, yes."

16 A You are asking me that in 27 in relation to  
17 something that happened in '63. Remember  
18 that, too.

19 Q 27? What are you talking about?

20 A In '67. Is that the date you are asking me  
21 that question?

22 Q 1967, right.

23 A You are asking me something that happened in  
24 1963. In 1963 Gene Davis did not have a  
25 phone. I forget where Gene Davis was em-

5/2

156

1           ployed. I had a rough idea of where he  
2           lived, and he would call me or I would  
3           send somebody that I knew to cut in to him,  
4           so the answer there would be true with  
5           the exception Clay Bertrand is the cover  
6           for Gene Davis.

7       Q     In other words, when you are testifying this  
8           entire time before the Grand Jury, every  
9           time you mentioned the name Clay Bertrand,  
10          you are talking about Gene Davis? Right?

11     A     That is correct.

12     Q     Now the question was:

13       "Q    Now, have you ever seen Clay Bertrand?"

14       That was the question, and your response was:

15       "A    As I recall, I saw him twice."

16       Now you are thinking of Gene Davis in this  
17       question?

18     A     No, no. I don't know. At that time when they  
19           mean have I seen the man, this is my guess.  
20           I don't know. It depends on how you are  
21           going to interpret that out of context.  
22           I can't help you there.

23     Q     I am not interpreting out of context. I will  
24           let you read it.

25     A     Read the question, please.



D15/3

157

1 Q The question is:

2 "Q Have you ever seen Clay Bertrand?"

3 That is the question, "Have you ever seen Clay  
4 Bertrand?"

5 And your response is:

6 "A As I can recall, I saw him twice."

7 Now, is that true or false?

8 A I have never known a Clay Bertrand. Well, let  
9 me answer your question. It has to be a  
10 conflicting statement.

11 Q It has to be another lie?

12 A Well, call it what you want. Now I will explain  
13 it. Clay Bertrand is a figment of my  
14 imagination, or whatever you want to call  
15 it. It is a cover name that I used, I  
16 assume November 25, 1963, when I was  
17 interrogated by Regis Kennedy, and I am  
18 continuing the fiasco ever since up until  
19 now.

20 Q Why did you say you had seen him twice?

21 A I don't know why. I have no explanation for it.

22 Q Do you have an explanation for any of this  
23 testimony, other than this cover story you  
24 have told us about?

25 MR. DYMOND:

5/4

158

1 Your Honor, we object to the question  
2 based upon the testimony in general.

3 If he wants to ask him to explain speci-  
4 fically --

5 THE WITNESS:

6 Yes, I can explain that, Mr. Dymond.

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14 NO HIATUS HERE.  
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D16/P1

THE COURT:

Wait a second. What was your last question, Mr. Alcock?

MR. ALCOCK:

I just asked him whether or not this was merely a matter of his cover story, is the entire thing a matter of his cover story.

MR. DYMOND:

That wasn't the question I objected to, I objected to the question, do you have an explanation for any of this testimony?

THE COURT:

I think you should rephrase the question.

BY MR. ALCOCK:

Q When you testified before the Grand Jury on the occasions on which you did not identify Gene Davis, did you continue in your cover identity of Gene Davis when asked about Clay Bertrand?

A I went back June 28, 1967, if that is the day, to straighten the testimony out. I never got a chance to straight it out, because in the questions that were propounded to

D16/P2

160

me, that is the last time I went before them, the one that I got indicted on. I was hemmed in between a sworn Warren Commission Report and questions that were propounded to me. The answers, they weren't made under oath, they were outside statements and they conflicted with the Warren Report, and I did the best I could with what I had.

Q My question is, if you used the cover the entire time of Clay Bertrand before the Grand Jury and under oath with the exception of the last time that you appeared before the Grand Jury.

A I can't answer that question. I did the best I could with what I had.

Q With your cover story?

A I told the DA's office that Clay Bertrand wasn't Clay Shaw before I went there, but nobody believed me.

Q Did you continue to say before the Grand Jury before the last time, that you did not know who Clay Bertrand was?

A No, I think if that is the the last time I went there --

16/P3

161

1 Q No. I say before the last time.

2 A Right.

3 MR. ALCOCK:

4 No further questions.

5 MR. DYMOND:

6 No questions.

7 (Witness Excused.)

8 THE COURT:

9 Call your next witness.

10

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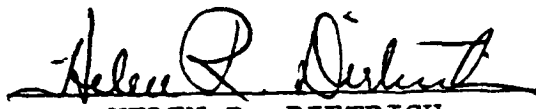
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C E R T I F I C A T E

I, the undersigned, Helen R. Dietrich, do  
hereby certify :

That the above and foregoing (161 pages of  
typewritten matter) is a true and correct transcription  
of the stenographic notes of the proceedings had herein,  
the same being the testimony of Dean A. Andrews, Jr.,  
from the proceedings in open Court on February 25, 1969  
and taken down by Paul W. Williams and the undersigned,  
and transcribed under our supervision, on the day and  
date heretofore noted.

New Orleans, Louisiana, this 3rd day of March,  
1969.

  
HELEN R. DIETRICH,  
REPORTER

002039

CRIMINAL DISTRICT COURT  
PARISH OF ORLEANS  
STATE OF LOUISIANA

.....  
STATE OF LOUISIANA

VERSUS

CLAY L. SHAW  
.....

198-059

1426 (30)

SECTION "C"

EXCERPT OF  
PROCEEDINGS IN OPEN COURT  
FEBRUARY 25, 1969 - P.M.

TESTIMONY OF  
ROBERT SUMTER LINK, JR., and  
CHARLES ANDREW APPEL, JR.

*59 pages*

B E F O R E : THE HONORABLE EDWARD A. HAGGERTY,  
JR., JUDGE, SECTION "C"

Dietrich & Pickett, Inc.  
*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130-522-3111

I N D E X

Witness	Dir.	Cross	Redir.	Recr.
Robert S. Link, Jr.	3	6	--	--
Charles A. Appel, Jr.	9	32	51	52

E X H I B I T S

Exhibit No.	Ident.	Rec'd.
D-30	4	17
D-31	4	17
D-32	4	17
D-33	4	17
D-34	4	17
D-35	4	17
D-36	4	17
D-37	4	17
D-38	4	17
D-39	4	17
D-40	4	17
D-41	4	17
D-42	4	17
D-43	4	17
D-44	17	17
D-45	57	57
D-46	57	57



(INDEX - Continued:)

Exhibit No.	Ident.	Rec'd.
D-47	57	57
D-48	57	57
D-49	57	57
D-50	57	57
D-51	57	57
D-52	57	57

1 MR. DYMOND:

2 Your Honor, this next witness we  
3 have, he is an expert witness.  
4 We will have time to qualify  
5 him and also to identify an  
6 exhibit that he is going to  
7 use, but his testimony in chief  
8 I think is going to be a little  
9 bit too long to try to launch  
10 into this afternoon. Shall we  
11 go ahead and get him qualified  
12 and get the exhibit identified?

13 THE COURT:

14 I think you can accomplish that.

15 MR. DYMOND:

16 All right, sir.

17 THE COURT:

18 You can go into his qualifications,  
19 and if there is a traverse on  
20 it, you can cover that. Is he  
21 available?

22 MR. DYMOND:

23 Yes, he is right outside.

24 THE COURT:

25 Call the witness.

1 MR. DYMOND:

2 Off the record.

3 (Discussion off the record.)

4 MR. DYMOND:

5 Your Honor, we call Mr. Link as the  
6 next witness.

7 ROBERT S. LINK, JR.,

8 a witness called by and on behalf of the  
9 Defendant, having been first duly sworn, was  
10 examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. DYMOND:

13 Q Mr. Link, would you please state your  
14 full name, sir.

15 A Robert Sumter Link, Jr.

16 Q Are you an attorney here in New Orleans,  
17 Mr. Link?

18 A Yes, sir.

19 Q Are you also duly commissioned, sworn  
20 and qualified as a Notary Public in  
21 and for the Parish of Orleans?

22 A Yes, sir.

23 MR. DYMOND:

24 Your Honor, I will ask the Clerk  
25 to mark these documents as

1 "Defendant 30" through

2 "Defendant 43."

3 THE COURT:

4 Let them be identified.

5 (Whereupon, the documents referred  
6 to by Counsel were duly marked for  
7 identification as "Defendant 30"  
8 through "Defendant 43.")

9 BY MR. DYMOND:

10 Q (Exhibiting documents to witness) Mr.

11 Link, I show you some exhibits,  
12 which have been marked for identi-  
13 fication as "D-30" through "D-43,"  
14 and I ask you whether you can  
15 identify these documents, sir.

16 A I identify D-30 and D-31 and D-32 and  
17 D-33 and D-34 and D-35 and D-36  
18 and D-37 and D-38, D-39, D-40, D-41,  
19 D-42, and D-43.

20 Q Now, Mr. Link, what do these documents  
21 represent, that is, what do they  
22 consist of?

23 A Well, they consist of signatures by Mr.  
24 Clay Shaw executed before me as a  
25 Notary Public on the 20th day of

1 February, 1969, and I indicated  
2 on each page, "The signature below  
3 was signed before me this 20th day  
4 of February, 1969," on this Exhibit  
5 D-30 at 3:00 p.m., and I signed my  
6 name and marked it "Not. Pub.,"  
7 Notary Public, and put my seal.

5

8 Q Now, were all of these documents signed  
9 by Mr. Shaw in your presence?

10 A Yes, sir.

11 Q And where did this signing take place?

12 A It was in the American Bank Building, I  
13 think 2106.

14 Q Would that be Mr. William Wegmann's  
15 office?

16 A Yes, Mr. Wegmann's office.

17 Q Now, Mr. Link, as Mr. Shaw signed each  
18 one of these exhibits, did it remain  
19 in his possession or not?

20 A No, as he signed each one he handed it to  
21 me. I watched him sign each one,  
22 and then he handed it to me, and  
23 then I wrote on it.

24 Q I see.

25 A -- just what I have testified to, and

1           then I put my seal on it, and I  
2           watched him sign the next one.

6

3       Q     And do you recognize your signature on  
4           each one of these documents as the  
5           attesting Notary Public?

6       A     Yes, sir.

7       MR. DYMOND:

8           We tender the witness.

9           CROSS-EXAMINATION

10      BY MR. ALCOCK:

11     Q     Mr. Link, could you tell us if anyone  
12           else was present when this occurred  
13           besides yourself and the Defendant?

14     A     What did you say, Mr. Alcock?

15     Q     Can you tell us whether or not anyone  
16           else was present at this time  
17           besides yourself and the Defendant?

18     A     Yes, sir, Mr. Ed Wegmann was for maybe  
19           two or three minutes. He read  
20           something which is on one of the  
21           exhibits, and Mr. Shaw wrote it as  
22           he said it.

23     Q     Were these the only signatures made by  
24           the defendant in your presence?

25     A     Those there, I am sure that is all, yes,

1                    sir.                    7

2        Q        Do you recall whether or not he made  
3                    any other writings at that time  
4                    besides those signatures that you  
5                    notarized?

6        A        I think on one or two of the exhibits  
7                    the date, maybe, that was all, but  
8                    everything is right here that he  
9                    signed in my presence.

10       Q        What time of day or night was this?

11       A        I think D-30 I marked at 3:00 p.m., so  
12                    it was, sir --

13       MR. DYMOND:

14                    Did you want to look at them?

15                    (Documents handed to witness.)

16       A        D-30 was at 3:00 p.m.

17       BY MR. ALCOCK:

18       Q        Well, that is all right. They were all  
19                    about the same time?

20       A        Yes, sir. One of them started at 2:55  
21                    p.m. It was around that time.

22       Q        They are all about that same time?

23       A        I looked at my watch. It isn't always  
24                    accurate, but it gives you a fair  
25                    indication of whether it is night

1                   or day I would say. 8

2       Q       And what did you do with these after you  
3                   notarized them?

4       A       I think I gave them to Mr. Wegmann.

5       Q       Did you see them again prior to your  
6                   coming into court today?

7       A       These (indicating)?

8       Q       Yes.

9       A       No, sir.

10      Q       And that was on February 20, is that  
11                  correct?

12      A       February 20, 1969.

13      Q       You do, however, recognize your hand-  
14                  writing and signature on each docu-  
15                  ment? Correct?

16      A       Yes. Nobody else could write like this  
17                  but me, Mr. Alcock.

18              MR. ALCOCK:

19                  All right. No further questions.

20                              (WITNESS EXCUSED.)

21              MR. DYMOND:

22                  Call Mr. Appel.

23                              CHARLES A. APPEL, JR.,

24                  a witness called by and on behalf of the  
25                  Defendant, having been first duly sworn,



1 was examined and testified as follows: 9

2 DIRECT EXAMINATION

3 BY MR. DYMOND:

4 Q Mr. Appel, for the record would you  
5 kindly state your full name.

6 A Charles Andrew Appel, Jr.

7 Q And what is your address, sir?

8 A 3383 Stephenson Place, S-t-e-p-h-e-n-s-o-n,  
9 N.W., Washington, D.C.

10 Q What is your occupation?

11 A Document examiner, by which I mean  
12 analysis of handwriting to identify  
13 writing, analysis of typewriting  
14 to identify the machine, analysis  
15 of paper and ink for evidence of  
16 authenticity.

17 Q Now, how did you start in this work,  
18 Mr. Appel, and when?

19 A Well, while I was employed as a Special  
20 Agent of the Federal Bureau of  
21 Investigation, I was assigned to  
22 the employment of experts in our  
23 work, and because of difficulties  
24 with this I was instructed to study  
25 the subjects. I took a course,

1 studied a course at Northwestern  
2 University, Crime Laboratory. I  
3 discovered a skill in this, and I  
4 read all the literature and per-  
5 formed research, experiments, and  
6 then acted as an apprentice by  
7 examining cases which were later  
8 examined by qualified examiners  
9 until skill had been developed.

10 Q Now, what training have you had in this  
11 field, Mr. Appel?

12 A I just described it. There are no courses  
13 in colleges concerning this.

14 Q Now, how long were you with the FBI,  
15 Mr. Appel?

16 A I was employed as a Special Agent in  
17 1924, and I retired at the end of  
18 1948.

19 Q And particularly what were your duties  
20 in connection with the Federal  
21 Bureau of Investigation?

22 A Well, after becoming qualified in this  
23 work, I was instructed by the  
24 Director to examine FBI cases, and  
25 this I did, from before the formal

opening of the Federal Bureau of  
Investigation laboratory until I  
retired at the end of 1948. The  
laboratory was opened in 1932.

Q Now, since 1948, Mr. Appel, what have  
you done?

A I opened my own private laboratory for  
the examination of cases, civil  
cases.

Q Now have you qualified as an expert in  
the field of questioned documents,  
that is, handwriting identification,  
in any courts?

A I have qualified and testified in every  
state of the United States except  
Hawaii, and in Pakistan and in  
Puerto Rico in person, and by depo-  
sition in European and South  
American countries.

Q As a matter of fact, have you qualified  
here in the Criminal District Court  
for the Parish of Orleans as a  
handwriting expert?

A Yes, sir, also the Civil Courts.

Q Can you name some of the better known

1 cases in which you have partici-  
2 pated as a handwriting expert, Mr.  
3 Appel?

4 THE COURT:

5 I don't think that is necessary, Mr.  
6 Dymond. May I suggest you  
7 permit the witness to be sub-  
8 mitted to traverse, if you will.

9 MR. DYMOND:

10 Very well, I submit him as an expert  
11 in the field of handwriting  
12 analysis.

13 MR. ALCOCK:

14 No questions.

15 THE COURT:

16 Is it submitted?

17 MR. DYMOND:

18 It is submitted.

19 THE COURT:

20 I will rule that the witness, Mr.  
21 Appel, is qualified in the  
22 field of questioned document  
23 signatures, and is qualified  
24 as an expert in that field to  
25 give his opinion in relation

1 to that particular field.

13

2 MR. DYMOND:

3 Now, Your Honor, do you want me to  
4 start on this? It is going to  
5 be fairly lengthy testimony.

6 THE COURT:

7 Let me see. It is 5:00 o'clock. I  
8 was going to recess at 5:30.  
9 If you foresee that this wit-  
10 ness may be on the stand for  
11 some lengthy period of time as  
12 we go through these exhibits,  
13 with the cross-examination, so  
14 that the continuity of his  
15 testimony -- so that the Jury  
16 will hear it at one time rather  
17 than going from day to day --  
18 does the State have any objec-  
19 tion?

20 MR. ALCOCK:

21 No objection.

22 THE COURT:

23 All right. I will abide by your  
24 request, Mr. Dymond. We will  
25 start with Mr. Appel at 9:00

1 o'clock in the morning.

14

2 Gentlemen of the Jury, as I have  
3 so many times instructed you,  
4 do not discuss the case amongst  
5 yourselves or with any other  
6 person. The proper time to  
7 have that discussion is when  
8 the case is given to you for  
9 your decision and verdict.

10 Let everybody have a seat. Let the  
11 security Deputy Sheriffs take  
12 charge of the Jury.

13  
14 Whereupon, at 5:02 o'clock p.m.,  
15 the Defendant was placed under  
16 the rule and court adjourned to  
17 9:00 o'clock a.m. on Wednesday,  
18 February 26, 1969.  
19  
20  
21  
22  
23  
24  
25

1 . . . . Pursuant to the adjourn-  
2 ment, the proceedings herein were  
3 resumed at 9:00 o'clock a.m. on  
4 Wednesday, February 26, 1969,  
5 appearances being the same as  
6 heretofore noted in the record. . . .

7  
8 THE COURT:

9 Let it be noted on the record the  
10 Prosecution, the Defense, and  
11 the Defendant are present, and  
12 the Jury is seated.

13 Your previous oath is still binding,

14 Mr. Appel. You may proceed.

15 CHARLES A. APPEL, JR.,

16 having been sworn and having testified pre-  
17 viously, resumed the stand for a continuation  
18 of the

19 DIRECT EXAMINATION

20 BY MR. DYMOND:

21 Q Mr. Appel, I show you an exhibit which  
22 has been offered in evidence and  
23 marked for identification as State  
24 Exhibit 55. Directing your atten-  
25 tion to the signature Clay Bertrand

1 appearing therein under date of  
2 12.14.66, the words, "New Orleans,  
3 Louisiana," being written after it,  
4 and ask you whether you have re-  
5 ceived a copy or a photograph of a  
6 signature which is identical to  
7 that?

8 A Yes, I did.

9 Q Do you have that in your possession, sir?

10 A I have the negatives themselves.

11 Q Do you have any prints made from the  
12 negatives?

13 A Yes, sir.

14 Q Will you produce that please?

15 A This is a photograph enlargement of the  
16 signature portion of that entry  
17 together with another photograph of  
18 writing by the Defendant.

19 MR. DYMOND:

20 If the Court please, in connection  
21 with the testimony of this  
22 witness, we would like to  
23 offer, file and produce in  
24 evidence the exhibits we have  
25 marked for identification as



D-30 through D-44.

MR. ALCOCK:

No objection.

THE COURT:

They may be presented and received  
in evidence.

(Whereupon, the documents offered  
by Counsel were received into  
evidence.)

BY MR. DYMOND:

Q Now, Mr. Appel, I show you the exhibits  
which have been marked for identi-  
fication as D-30 through D-33, and  
which have been introduced into  
evidence, and ask you whether you  
are familiar with the exhibits,  
whether you have seen and examined  
them before today?

A Yes. I examined these. They were sub-  
mitted to me in connection with the  
signature appearing in the book that  
you just showed me.

Q By whom were they submitted to you?

A Mr. Wegmann.

Q Mr. Appel, did you perform any examin-

1           ation or comparative tests as  
2           between the signatures of Mr. Shaw  
3           appearing on those documents and  
4           the writings of Mr. Shaw which also  
5           appear thereon and the writing on  
6           the Exhibit D-44?

7       A       Yes, sir.

8       Q       What was the purpose of the examinations  
9               which you were performing?

10      A       The purpose of the examination was to  
11               determine if there is evidence in  
12               the writing motion habits which  
13               caused a design of the letters,  
14               writing forms, which are present in  
15               the entries.

16      Q       For the benefit of the Jury, will you  
17               explain the nature of the compar-  
18               ative examinations which you did  
19               perform. You may step down here  
20               to the board, if you wish.

21      A       The first thing I did was to copy the  
22               designs of the writings, the  
23               questioned writing, so as to make  
24               sure I was receiving the pen move-  
25               ments in making these shapes. This

1 was done in the questioned entry  
2 in the book, which is the lower one  
3 of these enlargements, and also with  
4 the signatures written by the Defen-  
5 dant.. So as to compare each and  
6 every design or letter form as  
7 caused by the motion of the pen  
8 and the habits of the particular  
9 writer. These enlargements were  
10 made so that I could demonstrate  
11 what I found.

12 I found in the first place the Defendant  
13 writes larger and the proportions  
14 of one letter size to another is  
15 different in the two writings. The  
16 C, for instance, as written by the  
17 Defendant, is higher than it is in  
18 the questioned entry in the book.  
19 It is higher in itself and it is  
20 higher with reference to the L which  
21 follows it. The proportions are  
22 not the same. The slant is not  
23 quite the same and the manner of  
24 moving the pen in forming the shapes.  
25 You can see that in the questioned entry

1 this trigraph form has an appear-  
 2 ance of a counterclockwise motion  
 3 as in a W. This is caused by its  
 4 curve or arc at the bottom of the  
 5 C and the L connecting with the  
 6 next letter. It is different in  
 7 the writing of the Defendant. The  
 8 distance between the C and L is  
 9 much more narrow. The slanting  
 10 stroke which represents the move-  
 11 ment upward is not at the same  
 12 angle. The C as written by the  
 13 Defendant slants further to the  
 14 right in comparison to the other C.  
 15 This is because in this three-letter  
 16 combination the motion is different.  
 17 We see a very clear difference in  
 18 the A. The Defendant leaves his A's  
 19 open at the top. The letters are  
 20 not as wide horizontally and it is  
 21 higher in comparison with the high  
 22 top of the L. That is because the  
 23 motions are different.

24 The writing act is such a delicate and  
 25 automatic act or movement coordina-

1           ting the muscles of the fingers  
2           and arms with the direction of  
3           the eyes that all these things have  
4           to be the same for the automatic  
5           motion to produce the same designs.  
6           Here they are clearly not the same  
7           designs. Part of this is due to the  
8           vision, part is due to the automatic  
9           speed of motion. The Defendant  
10          writes very rapidly in what some  
11          teachers would call a scribbling  
12          fashion.

13          The whole word Clay is written as one  
14          continuous repeated series of move-  
15          ments of a very delicate nature.

16          At the bottom of the projection forward  
17          of the Y the line turns slightly  
18          towards the right as the pen is  
19          lifted. Where the pen begins to  
20          turn backwards the Defendant has  
21          rounded the top in an arc form  
22          completely different from the  
23          angular formation in the entry in  
24          the book. The proportions again  
25          of one letter to the other are

different, the top of the Y as  
written by the Defendant being  
larger than as found in the book.  
If we go on to the next letter, the B  
in Bertrand, we see the pen is  
lifted and the letter is composed  
of two continuous movements. The  
left side of B is a vertical or  
slanting line below the oval of the  
top. The oval at the top is started  
to the left in a completely dif-  
ferent style of writing. There is  
no comparison with the beginning of  
the B as written by the Defendant,  
which starts below the line of  
writing with a slight downward  
movement and moves up to form the  
left side and continues to form the  
shape on the right side. You will  
notice the upper oval of B as made  
by the Defendant has a narrowing  
closure slightly up to the right,  
whereas the beginning line in the  
questioned entry you may say the  
oval is a horizontal figure. The

1 line in the questioned entry comes  
2 back and penetrates the vertical  
3 line, whereas that written by the  
4 Defendant, Mr. Shaw, the line does  
5 not close the oval at the top,  
6 because the line doesn't come back  
7 to the left side.

23

8 The same is true of the bottom oval as  
9 written by the Defendant, that is  
10 it is much more narrow because the  
11 arc doesn't curve in the same way.  
12 The bottom oval in the questioned  
13 entry is a different figure  
14 entirely. Of course, at the  
15 bottom, in the ending of the B in  
16 the questioned entry, there is this  
17 oval reversing motion to go to the  
18 E, whereas the Defendant continues  
19 the movement and the oval at the  
20 bottom actually slants down from  
21 left to right. It has no resem-  
22 blance to the form in the questioned  
23 entry. The line is continued by the  
24 Defendant, he wrote the whole name  
25 Bertrand in one continuous writing

1 movement, whereas the pen is  
2 lifted between the B and the E in  
3 the questioned entry.

4 The E's are not similar in height in the  
5 two entries. The arc on the left  
6 side of the E which continues into  
7 the connection of the R as written  
8 by the Defendant, forms a perfect  
9 U-shape, whereas between the E and  
10 R in the questioned entry it slants  
11 more to the right. The two lines  
12 are not parallel as written by the  
13 Defendant. The R itself is a  
14 different form. In the questioned  
15 entry being like the letter I,  
16 simply a movement retraced slightly  
17 and then connected to the next  
18 letter. The Defendant has a ten-  
19 dency to round the curve to the  
20 right side when moving downward,  
21 so we have this break at the top  
22 which is not found in the questioned  
23 entry.

24 The next letter T is a fixed habit of  
25 Mr. Shaw, as illustrated in the



1 upper photograph of his writing,  
2 in which the pen is moved downward  
3 and not to the right at all, but it  
4 is either lifted, the pen lifted  
5 off the paper in a cross bar placed  
6 on the T, or it moves upward to the  
7 left and crosses before going to the  
8 next letter.

9 Again we have the complicated shape,  
10 shall we say, in the R in the writ-  
11 ing of Mr. Shaw and a more conven-  
12 tional design in the questioned  
13 entry.

14 In the questioned entry, the R, it more  
15 or less eliminates any top at all,  
16 whereas Mr. Shaw still has his left  
17 on the upper portion of the conven-  
18 tional R. The A written by Mr.  
19 Shaw is open. The repetition of  
20 movement is habitual to him whereas  
21 it is closed in the questioned  
22 entry.

23 This influence of the anticlockwise  
24 motion is demonstrated in the N in  
25 the questioned entry, although the

1 arc curved at the top of the two  
2 ends are modified and become  
3 pinched together in the questioned  
4 entry, the shape of the N is not  
5 at all like that of Mr. Shaw who  
6 tends to make a counterclockwise  
7 U-shape.

8 The final letter of the name, the D,  
9 conventional in the questioned  
10 entry, a bottom oval, a rounded  
11 circular form, and a long projection  
12 upward which is also an enclosed  
13 oval and the line comes down. Mr.  
14 Shaw has two ways of ending this  
15 letter. He has the small narrow  
16 or elongated oval as compared with  
17 the entry at the bottom. The right  
18 side turns upwards and ends there.  
19 Sometimes he brings it down, but it  
20 doesn't end as the questioned entry  
21 ends. You will notice the projec-  
22 tion of the upper part of the D with  
23 the questioned entry extends beyond  
24 the height of the T, so the pro-  
25 portion is not the same. The B

1 projects through the upper line  
2 above. That is larger vertically  
3 and extends further horizontally.

4 These differences in letter forms extend  
5 into the words "New Orleans," which  
6 you will notice in the entry of Mr.  
7 Shaw is much higher, bigger, as a  
8 whole. The N almost touches the  
9 two lines of writing and that in  
10 the questioned entry is only about  
11 half its height. The movement to  
12 connect the E is different. As can  
13 be seen in the entry of Mr. Shaw the  
14 middle of the W has an arc in it,  
15 and there is no such form in the  
16 questioned entry.

17 We see the difference in the R's again,  
18 and there is a difference in the  
19 speed as shown by the complete  
20 closure of the E written by Mr.  
21 Shaw, whereas it has a loop form  
22 in the questioned entry in the  
23 book.

24 Again we have an obvious difference in  
25 the A, which is again left open at

1 the top, that is because these  
2 lines are retraced, whereas the  
3 top of the A in the questioned  
4 entry is completely closed.

5 After the N the S has a distinctive  
6 difference in the shape at the top  
7 and the bottom. This letter is  
8 written much more rapidly by Mr.  
9 Shaw.

10 I am sure it can be seen these are dis-  
11 tinctive forms in the questioned  
12 entry as compared to the writing  
13 of Mr. Shaw. This is because of  
14 motion habits. Neither of these  
15 entries from beginning to end is  
16 carefully composed or anything like  
17 that. You will see the lines are  
18 smooth, by which I mean there are  
19 no movements of the pen of any  
20 consequence to the right or left.  
21 You cannot make a line like that  
22 unless you use speed in the con-  
23 tinuous movement forward.

24 In making copies of these in my notes  
25 so as to be accurate, to get the

1 right proportions and shapes equal  
2 to these I am studying, it is neces-  
3 sary to use much slower movement,  
4 and this is one of the differences  
5 between a genuine signature and a  
6 forgery. The pen point moves to  
7 the left and right in slow motion.  
8 You get tremors. These lines, the  
9 quality of the lines, show there  
10 was a quick continuous writing  
11 movement of a different quality  
12 in Mr. Shaw's writing from that in  
13 the questioned writing, which is  
14 more formal, smaller.

15 For these reasons, these differences,  
16 I concluded they were not written  
17 by the same person.

18 Q Mr. Appel, did you confine your examin-  
19 ation to this one writing by Mr.  
20 Shaw or did you in the course of  
21 your examination use other writings  
22 by him to determine the consistency  
23 of the formation of the letters or  
24 other reasons of your own?

25 A A good many other writings were sub-

mitted, writings of Mr. Shaw in  
1966, and then I asked that he be  
requested to write, and received a  
bundle of sheets each written inde-  
pendently of the other without any  
opportunity to see the writing of  
the other, how they were written.

Q Did your examination of the other writ-  
ings reveal they were written by a  
person other than the person who  
placed the signature in the book  
from which this photograph was  
taken?

A Yes, sir, the entry in the book was made  
by some other writer entirely.

Q Referring you again to Exhibits D-30  
through D-43, I ask you whether you  
used these exhibits for comparison  
purposes as well as the signature  
about which you have testified?

A Yes, I did. In fact the signature I just  
testified about is D-30, the top one  
of these requested signatures, but  
I examined all of them.

Q Did you find any material differences

1           between the signature appearing  
2           on D-30 and the signatures appear-  
3           ing on D-31 through 43?

4       A     No significant differences, just natural  
5           variations. This is true as to the  
6           1966 writings also. Some of these  
7           were just a signature "Clay Shaw."  
8           The open A for instance, the forma-  
9           tion of the Y showed the same  
10          differences that the questioned  
11          signature I have discussed here in  
12          that particular enlargement showed.

13       Q     Now, Mr. Appel, as a result of these  
14           tests and the examination which  
15           you performed, did you come to a  
16           firm opinion as to whether the name  
17           Clay Bertrand, which appears in  
18           State Exhibit 55, was written by  
19           this Defendant Clay L. Shaw?

20       A     Yes, I did.

21       Q     Would you kindly tell us what that  
22           opinion is, sir?

23       A     That the Defendant, Clay Shaw, did not  
24           write the entry in the book, the  
25           exhibit number I have forgotten, 55,

is it?

1

2

Q Fifty-five, that's right.

3

A Yes, sir.

4

Q Mr. Appel, are you the same handwriting expert whose testimony broke the Lindbergh kidnaping case?

5

6

7

THE COURT:

8

Now wait; I am not going to allow that. He has already been qualified.

9

10

11

MR. DYMOND:

12

We tender the witness.

13

CROSS-EXAMINATION

14

BY MR. ALCOCK:

15

Q Mr. Appel, in connection with your

16

specialty, did you have occasion

17

at any time during the investigation

18

into the assassination of President

19

Kennedy, to do any similar work for

20

the Federal Bureau of Investigation?

21

A No, sir, I have not been employed or

22

had any connection with the Federal

23

Bureau of Investigation since I

24

retired at the end of 1948.

25

Q Are you receiving any pension from the



1 Federal Government at this time?

2 A Yes.

3 Q Mr. Appel, did you make your analysis  
4 of this handwriting on the questioned  
5 document from a photograph or from  
6 the original?

7 A I made it from a photograph as far as the  
8 questioned Exhibit 55 signature is  
9 concerned. I only saw that this  
10 morning, the original.

11 Q Approximately how many photographs did  
12 you see?

13 A Twenty frames of film.

14 Q Were these frames blown up?

15 A No, they were reduced.

16 Q Reduced?

17 A Reduced in size, yes, sir.

18 Q About what size?

19 A This was 35 millimeter film, Leica  
20 camera.

21 Q As a general principle, Mr. Appel, is  
22 it more desirable for a handwriting  
23 expert to have the original ques-  
24 tioned document rather than just a  
25 photograph of the original questioned

document?

A It just depends on the kind of evidence present. For instance, if you are dealing with a traced forgery then you need the original, because evidence in addition to the design may be present on a paper adjacent to the signature which may not be recorded in a reproduction. It is always better to have the original, but in this case, of course, I have examined all the original example writings after my arrival here, and many of them, these requested examples, were forwarded to me in Washington before I left there.

Q These again are just the examples used and not the original questioned signature, is that correct?

A The only one I didn't see in the original before taking the stand was the questioned signature on Exhibit 55.

Q And you stated it is generally better to see the original questioned signature or letter or whatever the

1 particular thing is in making a  
2 determination rather than seeing  
3 a photograph?

4 A It is not necessary at all if the evi-  
5 dence in the case you are dealing  
6 with concerns the design of the  
7 letters, the quality of the lines,  
8 because these show very well even  
9 in Xeroxed copies, and the copies  
10 I have were very good copies, so  
11 there was no problem here.

12 Q Is it your statement it is only necessary  
13 to see the original when you are  
14 dealing with a possible forgery?

15 A A particular type of forgery, a tracing.  
16 Because there it is impossible to  
17 trace the design of a genuine  
18 signature used as a model onto  
19 another piece of paper and move  
20 the pen continuously. Instead it  
21 has to be done very slowly and  
22 carefully and this produces tremor,  
23 none of which appears in the ques-  
24 tioned entry number 55, and the pen  
25 is lifted from the paper and re-

1 placed, and the new movement is in  
2 a slightly different direction, but  
3 in addition to this the guidelines  
4 are present. If you use a ball-  
5 point pen without any ink in it to  
6 use a model signature which is going  
7 to be used as a guideline and then  
8 filled in, there is no pigment but  
9 there is an indentation which can  
10 be seen and shown to the Court.

11 Q Did you see the Defendant make any of  
12 these example signatures?

13 A No, I did not. I asked that it be con-  
14 ducted in a particular way and I am  
15 sure it was.

16 Q Which way was that?

17 A The Defendant be seated in a normal  
18 position, there be no writing he  
19 could see of any kind, and he be  
20 asked to write the content of this  
21 entry on similar paper. As soon as  
22 the first sheet was completed it  
23 was removed from his sight. Another  
24 example was obtained in exactly the  
25 same way and this continued until

1 all of them were obtained.

2 Q You mentioned he be seated; what was  
3 the reason for that?

4 A A normal writing position. If he doesn't  
5 normally sit down to write you would  
6 use the normal position he does use.

7 Q Do you know whether or not the individual  
8 or the person who made the signature  
9 Clay Bertrand in the book was seated  
10 or not, the questioned signature?

11 A No. The purpose of obtaining these  
12 specimens in this way is to gain  
13 access to the most normal writing  
14 forms that the Defendant produces.

15 Q Would there not be a slight difference  
16 in a person's signature when he or  
17 she is standing up rather than when  
18 they are comfortably seated?

19 A Not necessarily.

20 Q Why was it you requested he be seated  
21 then?

22 A Only to gain the normal way that he does  
23 it, that's all. People learn to  
24 write seated. I don't recall ever  
25 hearing of or seeing a school that

teaches a pupil to write when he  
is not seated.

Q You would consider it abnormal for a  
person to sign something while  
standing?

A That's right.

Q Would your opinion vary at all?

A Of course it would. But no matter what  
the questioned writing, like on a  
will, in fact just last week I had  
a case where the writing appeared  
on a will, but you nevertheless get  
the most normal writings you can.  
You get the most natural and normal  
way of writing so you can learn his  
natural variations and test those  
variations, you test the differences  
from one writing to the next against  
the questioned entry.

Q Now, did you see any samples allegedly  
made by the Defendant other than  
the signature sample?

A Yes, there was the letter he wrote to  
Mr. Wegmann in 1966.

Q Do you have that with you?

1 A I don't have it, I think Counsel has  
2 it. Yes, I do.

3 Q May I take it, Mr. Appel, this is the  
4 only sample you were given that  
5 was not limited to just either a  
6 signature of Mr. Clay Shaw or  
7 signature of Clay Bertrand?

8 A Yes, sir.

9 Q Do you know under what circumstances this  
10 letter was written?

11 A No, sir.

12 Q Did you know the health of the individual  
13 at the time he wrote this letter?

14 A No, I do not, other than through the  
15 writing itself. It appears com-  
16 pletely normal from beginning to  
17 end.

18 Q From what did you conclude in this letter  
19 that was written in 1966?

20 A What did I conclude from it?

21 Q From what did you conclude the letter  
22 was written in 1966?

23 A I was told, sir. I was told it was  
24 taken from the files of Mr. Wegmann.

25 Q There is nothing intrinsic to that letter

1                   which indicates it was written  
2                   in 1966?

3       A       That's right, there is nothing.

4       Q       As a matter of fact, you don't know  
5                   whether or not you received any  
6                   writings in 1966?

7       A       Yes, I have in my hand various additional  
8                   exhibits that were submitted which  
9                   bear the date 1966.

10      Q       Are they letters or signatures?

11      A       They are signatures on letters and one  
12                   on a post office return receipt.

13      Q       May I see those please?

14      A       Yes, sir.

15      Q       Mr. Appel, other than the signatures,  
16                   some of which are merely "Clay," and  
17                   this letter you have just shown me,  
18                   and the State Exhibits 30 through  
19                   43, did you have any other examples  
20                   of the Defendant's handwriting?

21      A       No, I did not.

22      Q       Did you make a conclusion prior to  
23                   receiving any of these documents?

24      A       No, sir. Well, prior to receiving the  
25                   original I did.



1 Q The original what?

2 A Documents. As I explained, I had a film,  
3 a copy of many of these documents,  
4 and the questioned entry.

5 Q And you had made a conclusion prior to  
6 receiving the original, is that  
7 correct?

8 A That's right.

9 Q In other words you made a determination  
10 or judgment from the photograph of  
11 the original questioned documents  
12 as well as photographs of samples?

13 A That's true.

14 Q Is that generally the best procedure in  
15 handwriting analysis?

16 A This is purely a practical matter. As I  
17 say, it depends on the evidence  
18 present in the specimens themselves.  
19 The questioned entry shows in the  
20 quality of the lines in the photo-  
21 graph as received by me that it was  
22 not carefully constructed by manipu-  
23 lation of the pen. Instead, it was  
24 normal writing. The pen was moved  
25 forward at normal writing speed. It

1 is consistent from one part to  
2 the other.

3 Q Speed seems to be one of your principal  
4 criteria, is that correct?

5 A Yes, speed and modification of letter  
6 form. When this becomes much a  
7 change as for instance in the  
8 letter R, as much as in this writing,  
9 in which there is just a movement  
10 up and down which represents R, it  
11 is actually an I staff form, it is  
12 by such abbreviations that a person  
13 gains speed. If a person who uses  
14 normally this amount of writing  
15 speed were to slow down he would  
16 without even realizing it revert to  
17 the more normal R form to a certain  
18 extent.

19 Q Do you know at what speed the Defendant  
20 wrote the examples you have used?

21 A I know though they were written at a  
22 very skilled and automatic speed.

23 Q What do you mean by "skilled"?

24 A I mean by that when this act becomes this  
25 automatic, the man could write the

1 name in the dark. He would not  
2 have to control with his eyes each  
3 formation because it is habitual.

4 Q You don't know that any of these were  
5 written in the dark, do you?

6 A No, I don't.

7 Q You told Mr. Dymond on direct examin-  
8 ation you saw no difference, or  
9 was it significant differences,  
10 within the Defense Exhibit D-30  
11 through D-43? Were there any  
12 differences at all in the signature?

13 A Of course, there are no two signatures,  
14 no two writings exactly alike, even  
15 though one is written right after  
16 the other.

17 MR. ALCOCK:

18 May I request the Court to have its  
19 10:00 o'clock break at this  
20 time so I can have a chance  
21 to look at these?

22 THE COURT:

23 Very well.

24 Take the Jury upstairs.

25 (Whereupon, there was a short

1 adjournment at this time.)

2 THE COURT:

3 Is the State and the Defense ready  
4 to proceed?

5 MR. DYMOND:

6 We are ready, Your Honor.

7 MR. ALCOCK:

8 The State is ready, Your Honor.

9 THE COURT:

10 Very well, proceed.

11 BY MR. ALCOCK:

12 Q Mr. Appel, did you blow up any of the  
13 other exhibits, State or Defense  
14 30 through 43 and juxtapose them  
15 with the questioned signature as  
16 you have done it with this exhibit?

17 A As to those exhibited afterwards I don't  
18 know what they represent.

19 Q The signatures of Clay Bertrand.

20 A That he wrote on request?

21 Q Yes.

22 A I made a negative that contained a number  
23 of the signatures that he wrote as  
24 well as the questioned signature,  
25 but when it came to putting it on

1           this enlarging paper, this was  
2           all done in about an hour or an  
3           hour and a half on the morning when  
4           I had to leave Washington, that was  
5           Monday morning. There was no oppor-  
6           tunity to see any other ones.

7       Q     Those were the only blowups you have?

8       A     Of those specimens it is. I have one  
9           made from the original films which  
10          I had received at an earlier time  
11          of the questioned entry, that's all.

12      Q     Is there any particular reason why you  
13           chose D-30 rather than any of the  
14           other exhibits?

15      A     No, it was just picked at random.

16      Q     Did you have occasion to view all of  
17           them before you picked that one?

18      A     I did.

19      Q     Is it your testimony you just picked at  
20           random after viewing them all?

21      A     That's right.

22      Q     Do you feel that substantiated your  
23           position more readily than the  
24           others?

25      A     No, sir.

1 Q Mr. Appel, is your specialty an exact  
2 science?

3 A It depends on what you mean by "exacting."

4 Q Is it as exact as mathematics?

5 A No, that is the only exact science there  
6 is.

7 Q I take it yours is not an exact science?

8 A It is quite exact. The same as in  
9 chemistry, you put one solution  
10 with another and it turns blue and  
11 you know it is that substance. In  
12 this case certainly the comparison  
13 of the designs is scientific. It  
14 is necessary to have a minimum  
15 number of features which are partic-  
16 ular to the individual and which  
17 are the same as in the questioned  
18 writing as the sample writing before  
19 reaching a positive conclusion.

20 Q Did you reach your conclusion within an  
21 hour and a half, is that your  
22 testimony?

23 A No, I wouldn't say that at all.

24 Q Approximately how long did it take you?

25 A Actually, the average case takes about

1 two hours of analysis time, the  
2 technical time you are actually  
3 comparing designs. I am not talking  
4 about clerical time. But I had the  
5 film. I spent the whole day with  
6 that when I received it. I had to  
7 develop it myself and go through all  
8 the procedure, photographic pro-  
9 cedure, to get it to where I could  
10 see it. My first examination was  
11 made of it through a microscope, 18  
12 times enlarged.

13 Q Again your judgment was made based upon  
14 photographs rather than the original?

15 A Yes, sir.

16 Q As a matter of fact, are there not  
17 mistakes made in this science of  
18 yours?

19 A Mistakes are made in any kind of endeavor  
20 I have ever heard of that a human  
21 engages in.

22 Q Have you ever made a mistake in this  
23 science of yours?

24 A Of course, but I have not been proven  
25 wrong in court.

1 Q Do you recall a case in the 1950's, a  
2 will case of May Hart here in New  
3 Orleans?

4 A No.

5 Q You don't recall testifying in that  
6 case?

7 A No. I don't recall the name, that's all.  
8 I may have.

9 Q Do you recall whether or not the verdict  
10 substantiated the opinion you gave?

11 A No, I don't, because I don't even  
12 remember the case.

13 Q But it is your case at any time you have  
14 testified the verdict always  
15 substantiated your evidence?

16 A I didn't say that. I said no one has  
17 ever proven the position I have  
18 taken was wrong. The Jury may have  
19 decided against it because of a lot  
20 of other evidence in the case.

21 Q Then you do admit to the possibility of  
22 making a mistake?

23 A Of course I do, but in this work, as in  
24 any scientific work, you adopt a  
25 means of examination, a technique



1 of handling it, like for instance  
2 a matter of copying the writing  
3 forms in notes. You do this to  
4 make sure you are not guessing. If  
5 you reproduce these forms accurately  
6 you know you are proceeding accur-  
7 ately.

8 Q Do you recall testifying in the Civil  
9 District Court here in New Orleans  
10 in the 1950's in a contested will  
11 case, irrespective of the name of  
12 the person?

13 A Yes, I recall testifying in the succes-  
14 sion of France, but this had nothing  
15 to do with the identification of  
16 writing but with what kind of fee  
17 an examiner should charge.

18 Q Do you recall testifying in a case where  
19 you rendered an opinion as to  
20 whether or not the will was the  
21 writing of one individual as opposed  
22 to another in the 50's?

23 A I think so. This was a woman who had  
24 written an olographic will.

25 Q Do you recall whether or not your posi-

tion was substantiated by the Jury? 50

A I do not. My testimony not only concerned the design of the writing in that case but also the existence of disease in the physical condition of the decedent.

Q Do you recall in that case you had based your judgment on a photograph of the questioned document rather than the original document?

A I don't think so. I think I may have examined the photograph first, but I examined the original, as I did in this case, after being here.

Q The original questioned document?

A Not the questioned one. The first I saw of that was in Court this morning, but from what I see it verifies what I found from examining the copy.

Q Do you recall in this case whether or not you said the signature of the will was authentic and the Jury verdict was to the contrary?

A I don't recall.

MR. ALCOCK:

1 No further questions.

2 REDIRECT EXAMINATION

3 BY MR. DYMOND:

4 Q Mr. Appel, you stated you have seen the  
5 original questioned signature here  
6 in court this morning?

7 A Yes, sir.

8 Q Having seen the original questioned  
9 signature does that in any way  
10 change the opinion which you have  
11 rendered in this case?

12 A No, it confirms it.

13 Q Mr. Appel, could the difference which  
14 might be created by the writer  
15 sitting or standing be responsible  
16 for the differences which you pointed  
17 out in the two signatures on D-44?

18 A No, sir, that would concern a different  
19 aspect of the writing entirely.

20 Q As an expert in the field of questioned  
21 documents, Mr. Appel, did you have  
22 specific material furnished to you  
23 in order to form a firm and proper  
24 opinion as to the authenticity or  
25 lack of authenticity of the ques-

1                   tioned signature in this case?

2           A       Yes, I did.

3           Q       Mr. Appel, are you being compensated for  
4                   your testimony in this case or for  
5                   the work you have done in connection  
6                   with your examination?

7           A       No, I am appearing in this case because  
8                   I feel it is a civic duty to do so,  
9                   as I have in the past in other  
10                  cases. I don't take criminal cases  
11                  at all unless I make an exception  
12                  to this policy, because I don't  
13                  wish to break down law enforcement,  
14                  but occasionally there comes a time  
15                  when there is reason to believe  
16                  that without my services an injustice  
17                  will occur. In that case I will  
18                  not only accept the case but I will  
19                  also do it as a civic duty.

20           MR. DYMOND:

21                   Thank you, that's all.

22                   RE-CROSS-EXAMINATION

MR. ALCOCK:

I take it you said you are not being  
compensated in this case?

1 A That's correct.

2 Q You made some statement about justice  
3 or injustice, is that also correct?

4 A Certainly it is correct. This has to do  
5 with whether I will accept a case  
6 or not. I say I will not accept a  
7 case to appear against the prosecu-  
8 tion -- well, many times I am  
9 employed by the State's Attorneys  
10 such as here, I testified in New  
11 Orleans in a case involving graft  
12 of police officers for the State's  
13 Attorney and those cases I will  
14 take any time I can help law enforce-  
15 ment, but I won't appear as an  
16 expert for the defense. I feel I  
17 am not needed for that unless there  
18 is some particular circumstance  
19 which convinces me --

20 THE COURT:

21 Let me interrupt. I think, gentle-  
22 men, you are going into a  
field where you are permitting  
the witness to give an opinion  
which belongs to the Jury and

not the witness, so I am  
going to stop it.

MR. ALCOCK:

I want to find when he formed the  
opinion, whether it was before  
or after making the analysis.  
His credibility is involved  
here.

THE COURT:

You are going beyond the field of  
his testimony. He is giving  
a dissertation about something  
of which he is not an expert.

MR. ALCOCK:

This was introduced by Defense  
Counsel, not the State.

THE COURT:

I wondered why you didn't object  
to it.

MR. ALCOCK:

I have the right to explore it now  
and find out when he formed  
this opinion of his, and if it  
was prior to him making the  
analysis I think the Jury should

1 know he had a preconceived  
2 opinion.

3 THE COURT:

4 You may proceed.

5 BY MR. ALCOCK:

6 Q When did you form an opinion as to  
7 justice in this case?

8 A I didn't form the opinion you are now  
9 inferring to me at all.

10 Q What did you form?

11 A I formed the opinion it was necessary  
12 for me to intervene in this case  
13 upon request of Counsel. Mr. Lloyd  
14 Cobb called me in Washington and  
15 asked if I was free to accept this  
16 case and what would I charge. I  
17 had previously had on other cases  
18 worked with Mr. Cobb. He said,  
19 "What fee are you charging now?"  
20 I said, "\$250 a day." He said,  
21 "This man doesn't have any such  
money as that."

THE COURT:

Why are we going into that?

25 - MR. ALCOCK:

1 I didn't ask him.

2 BY MR. ALCOCK:

3 Q When did you receive the phone call from  
4 Mr. Cobb?

5 A The 14th of this month.

6 Q Did you discuss with him the merits or  
7 lack of merits of the case?

8 A Not at all. The question was that the  
9 man was substantially indigent as  
10 far as I am concerned, and couldn't  
11 pay my fee, and stood a chance of  
12 an injustice occurring. That is  
13 why I accepted it.

14 Q Do you know if the man who called you  
15 had been a witness for the Defense  
16 in this case?

17 A No, I did not. I don't know anything  
18 about the case.

19 Q And yet you formed the opinion there may  
20 be an injustice done?

21 A That's right.

MR. ALCOCK:

No further questions.

24 MR. DYMOND:

25 That's all, thank you.



1 THE COURT:

2 You are excused, Mr. Appel.

3 MR. DYMOND:

4 In connection with the testimony of  
5 this witness we would now like  
6 to offer, file and produce in  
7 evidence the exhibits which  
8 have been identified as D-45  
9 through D-52.

10 MR. ALCOCK:

11 No objection.

12 MR. DYMOND:

13 We ask the Jury be permitted to see  
14 the exhibits.

15 THE COURT:

16 They may see them.

17 They are received.

18 (Whereupon, the documents offered  
19 by Counsel were received into  
20 evidence.)

21 (Witness excused.)  
22  
23

002040

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.....  
STATE OF LOUISIANA

198-059

VERSUS

1426 (30)

CLAY L. SHAW

SECTION "C"  
.....

EXCERPT OF  
PROCEEDINGS IN OPEN COURT  
FEBRUARY 25, 1969 - P.M.

TESTIMONY OF  
ARTHUR JEFFERSON BIDDISON

*28 pages*

BEFORE: THE HONORABLE EDWARD A. HAGGERTY, JR.,  
JUDGE, SECTION "C"

Dietrich & Pickett, Inc.  
*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130-522-3111

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....oOo....

ARTHUR JEFFERSON BIDDISON,

having been first duly sworn, was examined and  
testified as follows:

DIRECT EXAMINATION

BY MR. DYMOND:

Q For the record, would you kindly state your  
full name, sir?

A Arthur Jefferson Biddison.

Q Where do you reside?

A 1414 Chartres Street, New Orleans.

Q How long have you lived there, sir?

A Since 1957.

Q What is your occupation, Mr. Biddison?

A I am a real estate man.

Q How long have you been in the real estate  
business?

A Eight or nine years.

1 Q Mr. Biddison, do you know Clay Shaw, the  
2 Defendant in this case?

3 A Yes, I do.

4 Q How long have you known him approximately?

5 A Approximately twenty-three years.

6 Q Mr. Biddison, referring back to the year 1963,  
7 did you own an automobile at that time?

8 A Yes, I did.

9 Q Can you tell us what kind of automobile it was?

10 A It was a 1960 black Cadillac sedan.

11 Q I show you a photograph which has been intro-  
12 duced in evidence and marked for identi-  
13 fication as State-2, and ask you whether  
14 you are able to identify this either as  
15 your automobile or one which was similar  
16 in appearance to your automobile?

17 A Yes.

18 Q As which can you identify it, yours or a simi-  
19 lar car?

20 A I can identify it as my automobile.

21 Q How do you do that?

22 A By the house in the background belonging to  
23 the man I sold it to.

24 Q Would his name be Hyatt?

25 A Yes.

1 Q Mr. Biddison, from your previous testimony as  
2 to how long you have known Mr. Shaw, I  
3 would gather you did know him then in 1963,  
4 is that correct, sir?

5 A Yes.

6 Q Was he a close friend of yours at that time?

7 A Yes.

8 Q During the year 1963, Mr. Biddison, did you  
9 ever have occasion to lend this automo-  
10 bile to Mr. Shaw?

11 A No.

12 Q Could you tell us how you are able to be so  
13 positive in that answer, sir?

14 A This car was used by me in my business and  
15 Mr. Shaw had a car of his own at that  
16 time.

17 Q Do you recall what kind of car he had at that  
18 time?

19 A A black Thunderbird I believe.

20 Q Did you ever lend this automobile to anyone  
21 else that you remember?

22 A No, this was my personal company car.

23 Q More particularly, did you ever lend this  
24 automobile to anyone for a sufficient  
25 period for them to be able to take a

1 trip out of town?

2 A Not in 1963.

3 Q When, if ever, did you?

4 A In 1966 when I had two cars. In the summer  
5 and fall of 1966.

6 Q Now, Mr. Biddison, during the years you have  
7 known Mr. Clay Shaw, have you ever known  
8 him to go under any name other than Clay  
9 Shaw or Clay L. Shaw?

10 A No.

11 Q In other words, have you ever known him to use  
12 an alias?

13 A No.

14 Q Have you ever known any individual by the name  
15 of Clay Bertrand?

16 A Never.

17 Q Have you ever known any individual by the name  
18 of Clem Bertrand?

19 A Never.

20 Q Mr. Biddison, during the years you have known  
21 Mr. Shaw were you reasonably familiar  
22 with his circle of friends?

23 A Yes.

24 Q Did you ever know, or hear of, a man by the  
25 name of Leon Oswald or Lee Harvey Oswald?

1 A No, not until the assassination.

2 Q Since the assassination have you seen photo-  
3 graphs of Oswald?

4 A Yes.

5 Q Do you know Mr. Shaw to be acquainted with  
6 anyone by the name of Leon Oswald or  
7 Lee Harvey Oswald?

8 A No.

9 Q Have you heard him mention that name?

10 A Never.

11 Q Have you ever known a man by the name of  
12 David W. Ferrie?

13 A No.

14 Q Do you know if Mr. Shaw ever knew him?

15 A No.

16 Q Did you hear Mr. Shaw mention David W. Ferrie  
17 or Dave Ferrie before being charged in  
18 this case?

19 A Never.

20 Q I show you State-1, purporting to be a photo-  
21 graph of Lee Harvey Oswald, and ask you  
22 if you have ever seen that man in person?

23 A No, I have never seen this man in person.

24 Q Have you ever seen that man in the company of  
25 the Defendant, Clay Shaw?

1 A Never.

2 Q I show you another photograph which has been  
3 marked for identification as State-3,  
4 and introduced into evidence, purporting  
5 to be a photograph of the late David W.  
6 Ferrie, and ask you to examine that  
7 photograph and tell me whether you have  
8 ever seen that man in person?

9 A Never.

10 Q Have you ever seen that man in the company of  
11 the Defendant, Clay L. Shaw?

12 A Never.

13 Q Now, Mr. Biddison, I show you a photograph  
14 which has been marked for identification  
15 as State-19, and offered into evidence,  
16 purporting to be a photograph of Lee  
17 Harvey Oswald with a beard drawn in in  
18 pencil, or some other material. I ask  
19 you to examine that photograph and ask  
20 if you have ever to your knowledge seen  
21 the man depicted in that photograph?

22 A Never.

23 Q Have you ever seen the man depicted in this  
24 photograph or one similar to him in  
25 appearance, in the company of Clay Shaw?



1 A Never.

2 Q During the years you have known or been ac-  
3 quainted with Clay L. Shaw, have you be-  
4 come acquainted with his manner of dress?

5 A Yes.

6 Q Have you ever known him to wear tight pants?

7 A Never.

8 Q Have you ever known him to wear a hat?

9 A Never.

10 Q Have you ever known him to own a hat other  
11 than in military service?

12 A No.

13 Q Mr. Biddison, do you recall when Mr. Clay Shaw  
14 took a trip to Europe back in 1966?

15 A Yes, I do.

16 Q What, if anything, particularly recalls to  
17 your mind that event?

18 A I drove him to the ship, we went to lunch and  
19 to the ship when he boarded the ship.  
20 I had leased his home to Mr. and Mrs.  
21 A. Rosada for the period he was supposed  
22 to be away.

23 Q Do you have a copy of that lease with you?

24 A Yes, I do.

25 MR. ALCOCK:

1                   May we see that if you are going to  
2                   question him about it?

3           MR. DYMOND:

4           Yes.

5           (Whereupon it was marked for identi-  
6           fication as Defense Exhibit 53.)

7   BY MR. DYMOND:

8   Q     Mr. Biddison, I show you the document which  
9           you have just presented to me and which  
10          I have marked for identification as  
11          D-53, and ask you if you can tell us  
12          what this particular document represents?

13   A     It represents a lease between Mr. Clay Shaw  
14          and Mr. Alberto Fowler, the son-in-law  
15          of Mr. and Mrs. Rosada, who leased  
16          through my office Mr. Shaw's home for --

17   Q     What address is that?

18   A     1313 Dauphine Street, for an initial period  
19          of three months commencing on the 4th  
20          day of May 1966 to the 3rd day of August  
21          1966.

22   Q     You say you negotiated this lease as a real  
23          estate agent?

24   A     As a real estate agent, agent to Mr. Shaw.

25   MR. DYMOND:

In connection with the testimony of this witness we would like to offer, file and produce in evidence the document marked as D-53.

MR. ALCOCK:

No objection.

THE COURT:

Let it be received in evidence.

(Whereupon, the document offered by Counsel was received into evidence.)

BY MR. DYMOND:

Q To your knowledge, Mr. Biddison, was this lease ever extended from its initial period?

A Yes, it was.

Q For what period of time, if you know?

A For two periods of time, from August 4th to September 3rd and with the approval of Mr. Shaw it was extended again twice through September 20th.

Q Even though he was returning prior to that time?

A Yes.

Q Of what year are you speaking?

A 1966. There were two extensions.

Q During the time that Mr. Shaw was out of the

1 country did you receive any mail at your  
2 home for him?

3 A Not to my knowledge, not at my home.

4 Q Did you receive mail for him from any place  
5 else?

6 A Yes, at my office.

7 Q To what name was it addressed?

8 A Mr. Clay Shaw, 900 Royal Street, or care of  
9 Marilyn Tate Company, and some mail was  
10 brought to our office by Mr. and Mrs.  
11 Rosada from his home, and some mail was  
12 mailed directly to me at my home knowing  
13 I would be forwarding the mail to Mr.  
14 Shaw in Europe.

15 Q What did you do with this mail which you re-  
16 ceived for Mr. Shaw?

17 A On two occasions what I thought would be mail  
18 that didn't need to be deposited in the  
19 bank or business affairs and that sort  
20 of thing, I put in envelopes on two  
21 occasions and mailed to him in Spain and  
22 England.

23 Q For the purpose of determining what type of  
24 mail this was, Mr. Biddison, whether it  
25 consisted of bank deposits and such,

49

1           did you have occasion to look individually  
2           at each piece of mail received by you for  
3           Mr. Shaw?

4       A     Yes, I opened all mail because I was not going  
5           to mail everything. It was at my discre-  
6           tion what I forwarded to him.

7       Q     Did you at any time receive any mail either  
8           at your office, at your residence or any  
9           place else addressed to Clay Bertrand  
10          prior to the commencement of the trial  
11          of this case?

12      A     Never prior to the commencement of the trial  
13          of this case.

14      Q     How long do you say you have been living at  
15          that address?

16      A     Since 1957. I restored the building. It was  
17          not a post office address prior to that  
18          time.

19      Q     What year was that, sir?

20      A     1957.

21      Q     Could you tell me what type of mailbox you  
22          have there, is it a locked mailbox or one  
23          that is not locked?

24      A     It is a cast-iron post box of probably 1910,  
25          1920 vintage, mounted on the side of my

1 garage entrance to my home, which is the  
2 main entrance to my home.

3 Q Does it have a locked top on it or not?

4 A No sir.

5 Q Who ordinarily took the mail out of your mail-  
6 box at home?

7 A Me.

8 Q Have you ever taken, prior to the commencement  
9 of this trial, a letter out of that  
10 letterbox addressed to Clay Bertrand?

11 A Never.

12 Q At the address at which you have lived ever  
13 since it was a municipal number, Mr.  
14 Biddison, has anyone ever lived there by  
15 the name of Cliff Boudreaux?

16 A Never.

17 Q Have you ever received any mail at your  
18 address addressed to Cliff Boudreaux?

19 A Never.

20 MR. DYMOND:

21 We tender the witness.

22 CROSS-EXAMINATION

23 BY MR. ALCOCK:

24 Q Mr. Biddison, does anyone reside with you at  
25 that address now?

1 A No.

2 Q In 1966 did anyone reside with you at that  
3 address?

4 A For a short period after he returned from  
5 Europe Mr. Shaw stayed at my home until  
6 he could get back in his home. This was  
7 in September 1966.

8 Q Can you recall approximately when Shaw took  
9 up residence in your home, or temporary  
10 residence in your home?

11 A It was about five to ten days before the  
12 21st of September, at which time he was  
13 able to get back into his home.

14 Q He got back in his home on September 21st?

15 A Yes, according to our records, and I believe  
16 that is the correct date.

17 Q And he resided in your home approximately one  
18 week? Would that be a fair estimate?

19 A Yes.

20 Q At this time who was residing in your home,  
21 that is beside yourself and the Defendant?

22 A Just myself.

23 Q Has anyone else ever resided with you at that  
24 location?

25 A Yes.

1 Q Who was that?

2 A Mr. Fred Tate.

3 Q When did he reside there?

4 A 1964 and 1965 I believe.

5 Q Anyone else?

6 A Mr. Clifton Gomez.

7 Q G-o-m-e-z?

8 A Yes.

9 Q When did he reside there?

10 A Up until about 1961.

11 Q From what date?

12 A From the time the building was first restored  
13 in 1957.

14 Q Is he a relative of yours?

15 A No, he was a business partner in that restora-  
16 tion.

17 Q Has anyone else resided at your address at  
18 1414 Chartres Street?

19 A No, but I have had many guests in my home, but  
20 no permanent residents.

21 Q Going back to the year 1963, how often would  
22 you say you saw the Defendant in that  
23 year?

24 A I saw Mr. Shaw very seldom in 1963 because we  
25 had completed the restoration of the



1 Spanish Stables prior to that and Mr.  
2 Shaw was fully involved in his promotion,  
3 selling bonds to build the International  
4 Trade Mart.

5 Q I take it you saw very little of him in 1963?

6 A 1963, yes.

7 Q How about the summer of 1963?

8 A Particularly in the summer.

9 Q Have you ever lent your Cadillac automobile to  
10 the Defendant?

11 A Yes, I have.

12 Q When was that?

13 A In the fall of 1966.

14 Q Was that the same black Cadillac that has been  
15 described?

16 A Yes.

17 Q Do you recall if he made any out of town trips  
18 in that Cadillac?

19 A I believe he drove to the best of my recollec-  
20 tion to see his parents in Hammond,  
21 Louisiana, on one occasion.

22 Q How many times did you lend him your automobile  
23 during that period?

24 A At the most three times.

25 Q Can you recall on what dates those were?

1 A No, I cannot.

2 Q Is it your testimony, Mr. Biddison, you received  
3 to the best of your recollection no mail  
4 in the summer of 1966 or the early fall  
5 of 1966 at your home for the Defendant?

6 A That's my best recollection.

7 Q Could that be incorrect?

8 A No mail forwarded to Mr. Shaw. There may have  
9 been letters addressed directly to him  
10 at my home.

11 Q That would necessarily have to be someone who  
12 would know you were close acquaintances,  
13 would it not?

14 A That's correct.

15 Q Do you know whether or not when the Defendant  
16 left on his European trip he executed a  
17 change of address?

18 A No, I have no recollection of that. It was my  
19 understanding Mr. Shaw's mail was for-  
20 warding to my office.

21 Q Having no recollection, would you dispute --

22 A I am still getting mail for Mr. Shaw at my  
23 office addressed to him at my office  
24 even today.

25 Q Even today?

1 A Yes.

2 Q Mr. Biddison, have you ever executed a change  
3 of address form with the Postal Depart-  
4 ment?

5 A Have I?

6 Q Yes.

7 A Yes.

8 Q Are you familiar somewhat with the form used?

9 A No, I cannot say that I am.

10 Q I am going to show you what has been marked  
11 for the purpose of identification as  
12 State-27, and ask you first of all if  
13 you are familiar with the form depicted  
14 in this exhibit?

15 A Yes, I have seen such a form.

16 Q Have you seen that particular form?

17 A No, I have not.

18 Q Where have you seen a similar form?

19 A I have had them in my office for forwarding  
20 clients' mail and mail myself. I believe  
21 it is a pink form.

22 Q You are familiar with the form, is that cor-  
23 rect?

24 A Yes.

25 Q Having seen this form before and being familiar

1                   with it, can you say what this depicts?

2       A       It depicts the change of address for Mr. Clay  
3                   L. Shaw cancelling a forwarding order to  
4                   1414 Chartres and forwarding the mail to  
5                   1313 Dauphine Street.

6       Q       To your knowledge did the Defendant ever  
7                   execute such a form?

8       A       To my knowledge, no.

9       Q       You are testifying then, as you recall it, the  
10                  Defendant did return to his residence on  
11                  September 21, 1966, is that correct?

12      A       To the best of my recollection, yes.

13      Q       Mr. Biddison, do you know who your postman is?

14      A       Yes, I do.

15      Q       Have you had the same postman for some period  
16                  of time?

17      A       Yes.

18      Q       Do you know his name?

19      A       I do now.

20      Q       What is his name?

21      A       James Hardiman.

22      Q       Approximately how long has he been your post-  
23                  man?

24      A       As far as I know he has always been my post-  
25                  man at that address.

57

1 Q Have you ever had any difficulty with Mr.  
2 Hardiman?

3 A Never.

4 Q Did you have occasion to ask Mr. Hardiman  
5 about his testimony in this case?

6 A Yes, I did, when it was published in the news-  
7 paper.

8 Q Would that be after he testified?

9 A No, prior to that.

10 Q What was published in the newspaper?

11 A Mr. Garrison's opening statement.

12 Q Did that name anybody in the opening statement?

13 A I beg your pardon?

14 Q Did they name Mr. Hardiman in the opening  
15 statement?

16 A No, they named me and my address in the open-  
17 ing statement.

18 Q Did you know about Mr. Hardiman prior to the  
19 article being published in the newspaper,  
20 about his possible testimony in this case?

21 A No.

22 Q Do you know of any reason that may be parti-  
23 cular to yourself and Mr. Hardiman, why  
24 Mr. Hardiman would say something untrue  
25 about delivery of mail to your address?

1 MR. DYMOND:

2 I object to that, if the Court please.

3 THE COURT:

4 I sustain the objection.

5 BY MR. ALCOCK:

6 Q Have you always, as far as you know, found

7 Mr. Hardiman to be a truthful person?

8 MR. DYMOND:

9 We object, Your Honor. This man is not  
10 on the stand as a character witness  
11 for Hardiman, and even if he were  
12 he could only testify as to reputa-  
13 tion.

14 THE COURT:

15 Are you trying to prove his character?

16 MR. ALCOCK:

17 I am not trying to prove good character,  
18 I am trying to determine whether or  
19 not there was any prior relation-  
20 ship between this man and Mr. Hardiman  
21 which would influence Mr. Hardiman.

22 MR. DYMOND:

23 The nature of the question is such as to  
24 try to show truthfulness on the part  
25 of Mr. Hardiman, and if the State

1 desires to do that I suggest the  
2 only way they can properly do so  
3 is by witnesses testifying as to  
4 his reputation.

5 THE COURT:

6 I think he has already answered the ques-  
7 tion, was there any previous diffi-  
8 culty between Mr. Hardiman and the  
9 witness. I sustain the objection.

10 BY MR. ALCOCK:

11 Q Do you recall how much mail you received at  
12 your office for the Defendant during the  
13 period he was in Europe?

14 A What comes to mind is tons of it. I had a  
15 great deal of mail for Mr. Shaw that  
16 summer.

17 Q Did you open every piece of mail?

18 A Every piece of mail.

19 Q Personal letters as well as --

20 A Personal letters as well as business letters.

21 I have been Mr. Shaw's agent for many  
22 years and I have his complete confidence  
23 to handle such matters for him.

24 Q Have you and the Defendant resided together on  
25 any occasion prior to the fall of 1966?

0

1 A Prior to the fall of 1966?

2 Q Yes.

3 A Yes.

4 Q Where and when?

5 A 537 Barracks Street in 1947 to 1948 and at

6 906 Esplanade to 1950.

7 Q Did you own 906 Esplanade?

8 A Mr. Shaw did.

9 Q On any other occasions did you reside with

10 the Defendant?

11 A Subsequent to that time?

12 Q Yes.

13 A No.

14 Q Are you from New Orleans originally?

15 A No sir.

16 Q Where are you from?

17 A Tulsa, Oklahoma.

18 Q Are you a close social friend of Mr. Shaw?

19 A I am a business and social friend of Mr. Shaw.

20 Q Was anyone else residing at 1414 Chartres

21 Street at the time the Defendant was in

22 Europe aside from yourself?

23 A No.

24 Q Have you got mail, Mr. Biddison, for other

25 individuals at your address at 1414 Chartres



1 Street?

2 A Yes.

3 Q Who might they be?

4 A I received mail at my home address last summer  
5 for approximately three months for Mr.  
6 C. C. Bunker, who was my houseguest. I  
7 have received mail this winter in December  
8 and January for Mr. Sherman Schroeder,  
9 who was a guest of mine and had mail for-  
10 warded to my address while he was away  
11 from the city here.

12 Q Anyone else?

13 A I have received mail at my home for many people  
14 over the years.

15 Q Let us say from 1963 on.

16 A I received all the mail for my invalid mother,  
17 Lydia F. Biddison, and I received mail  
18 for my deceased father Val Gene Biddison.  
19 I receive Social Security checks for my  
20 mother, Mrs. Biddison. Other names  
21 escape me for the moment. There are  
22 others.

23 Q The mail you received at your office for the  
24 Defendant, had that been forwarded from  
25 1313 or was it mailed directly to your

1 office?

62  
2 A I had received mail directly at my office at  
3 that time, mail brought to my office for  
4 the tenant of Mr. Shaw's home that was  
5 not redirected. Both types of mail I  
6 received at my office.

7 Q Did you actually receive letters that had been  
8 forwarded by the Postal Department to  
9 900 Royal Street from 1313?

10 A To the best of my recollection that was a  
11 business change of address Mr. Shaw used  
12 after his retirement, because I got  
13 magazines and all sorts of things directed  
14 to my office, I even do today.

15 Q I am referring to the mail you got during the  
16 summer and fall of 1966.

17 A I was receiving mail at that time too. Mr.  
18 Shaw was a licensed salesman at my office  
19 after his retirement.

20 Q Did you receive any mail forwarded to you by  
21 the Post Office at 900 Royal Street from  
22 1313?

23 A No, not by them.

24 Q But you received mail sent to your office?

25 A I did.

3  
1 Q By the people who lived at his house, tons of  
2 it?

3 A Not tons of it, but I received mail that would  
4 come to my office for Mr. Shaw usually  
5 in large quantities.

6 Q How much mail did you receive from the office  
7 at 1313 Dauphine?

8 A I would say two or three letters a week per-  
9 haps. They brought them in irregularly  
10 to us.

11 Q Do you still own the black Cadillac?

12 A No sir. I was negotiating to sell it in the  
13 summer and fall of 1966, and I sold it  
14 in the late fall of 1966 to my maintenance  
15 man, Mr. Hyatt who still owns the car.

16 Q Do you recognize the exhibit displayed to you  
17 by Mr. Dymond as being your former  
18 automobile?

19 A Yes, because of the location it was taken.

20 Q That is the way you recognize it, because of  
21 the house it was taken in front of?

22 A Yes.

23 Q Do you ever recall lending any of your house-  
24 guests your automobile, the houseguests  
25 you have named?

4

1 A No.

2 Q 1414 Chartres Street became a mailing address  
3 in 1957, would that be correct?

4 A Yes.

5 Q Were you subpoenaed to appear here today,  
6 Mr. Biddison?

7 A No.

8 Q You came of your own volition?

9 A Yes sir.

10 Q Because of your friendship with the Defendant?

11 A Yes sir.

12 MR. ALCOCK:

13 No further questions.

14 REDIRECT EXAMINATION

15 BY MR. DYMOND:

16 Q Did you testify Mr. Shaw worked as a salesman  
17 for you after his retirement?

18 A Yes sir, he is a licensed salesman in my  
19 office and actively engaged in the sale  
20 of real estate after his retirement from  
21 the International Trade Mart.

22 Q Getting back to 1966, when Mr. Shaw was in  
23 Europe; you testified you received no  
24 letters addressed to Clay Bertrand?

25 A Yes sir.

1 Q Did you receive any letters addressed to Clem  
2 Bertrand?

3 A Never.

4 Q At any address?

5 A Never.

6 MR. DYMOND:

7 That is all I have.

8 MR. ALCOCK:

9 No further questions.

10 THE COURT:

11 You are excused.

12 (Whereupon, the witness was excused.)  
13  
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COPY

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002041

## CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

. . . . .  
STATE OF LOUISIANA

. 198-059

vs.

. 14:26 (30)

CLAY L. SHAW

. SECTION "C"  
. . . . .PROCEEDINGS IN OPEN COURT OF  
Wednesday, February 26, 1969*Testimony of James Phelan*

B E F O R E :

THE HONORABLE EDWARD A. HAGGERTY, JR.,

JUDGE, SECTION "C"

*93 pages***Dietrich & Pickett, Inc.***Stenotypists*333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130 - 522-3111

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
JAMES R. PHELAN	2	58		

E X H I B I T S

<u>EXHIBIT NO.</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>RECEIVED</u>
D-54	6	7	7

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. . . . Pursuant to the adjournment of  
February 25, 1969, the proceedings herein  
were resumed on Wednesday, February, 26,  
1969, appearances being the same as hereto-  
fore noted in the record . . . .

JAMES R. PHELAN,  
a witness called by and on behalf of the Defendant,  
having been first duly sworn, was examined and  
testified as follows:

## DIRECT EXAMINATION

BY MR. DYMOND:

Q Mr. Phelan, for the record, would you state  
your full name, sir?

A James R. Phelan.

Q What is your occupation, Mr. Phelan?

A I am a magazine writer.

Q For any particular magazine or magazines?

A I am freelance. I was a staff writer with the  
Saturday Evening Post for six years.Q And the Saturday Evening Post is now shut down,  
right?

A It's gone.

Q How long have you been a magazine writer?

A Since 1953, and before that I was a newspaperman  
for 15 years.



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1 Q What newspapers did you work for, sir?

2 A I worked for the Glendale News Press in  
3 California, the Long Beach Crest Telegram  
4 in California, the Alton Evening Telegram  
5 in Alton, Illinois, and the St. Louis  
6 Globe Democrat in St. Louis.

7 Q Did you receive an assignment to cover the  
8 Garrison-Kennedy assassination probe in  
9 1967?

10 A Yes, sir.

11 Q By whom were you assigned to cover this story?

12 A Saturday Evening Post.

13 Q Do you know approximately when you came to  
14 New Orleans in connection with that  
15 assignment?

16 A Probably late in February, 1967.

17 Q What was your purpose in coming here to New  
18 Orleans at that time, sir?

19 A I wanted to interview Mr. Garrison.

20 Q Did you get to interview Mr. Garrison?

21 A Yes, sir. I was here four or five days, and  
22 the press of the world was here, there were  
23 two or three hundred reporters, and I  
24 finally got a message to Mr. Garrison and  
25 he suggested --

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1 MR. ALCOCK:

2 Objection, it is hearsay.

3 MR. DYMOND:

4 We submit this is not hearsay evidence,  
5 inasmuch as Mr. Garrison at this time  
6 was representing the Office of the  
7 District Attorney for the Parish of  
8 Orleans, and I think what a repre-  
9 sentative of the District Attorney's  
10 Office says is not hearsay.

11 MR. ALCOCK:

12 I have never heard that exception to the  
13 hearsay rule.

14 THE COURT:

15 Neither have I. I sustain the objection.

16 BY MR. DYMOND:

17 Q Had you met Mr. Garrison before you came here?

18 A Yes, sir. About four years earlier I had been  
19 down here and done another article for  
20 the Saturday Evening Post about Mr.  
21 Garrison.

22 Q Did you meet him in connection with that article?

23 A Yes, sir, and spent about ten days here and saw  
24 him frequently.

25 Q After you came here to New Orleans in February,

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1 1967, did you see Mr. Garrison, and if so,  
2 where?

3 A I saw him first in his office here, later on  
4 his home and four or five days after I  
5 first saw him I met him in Las Vegas.

6 Q Did you suggest the meeting in Las Vegas or not?

7 MR. ALCOCK:

8 This is hearsay.

9 BY MR. DYMOND:

10 Q Did you suggest it?

11 A No, sir.

12 Q Was it a prearranged meeting?

13 A Yes, sir.

14 Q Are you acquainted with Mr. Andrew Sciambra?

15 A Yes, sir.

16 Q When did you first meet Mr. Sciambra?

17 A After I returned from Las Vegas and after the  
18 Clay Shaw preliminary hearing.

19 Q You have told us you met Mr. Garrison in Las  
20 Vegas, Nevada. Do you know on what date  
21 you went to Las Vegas, Mr. Phelan?

22 A Yes, sir. I have my hotel bill, I believe.  
23 I went out on March 4 and met him at the  
24 airport on March 5. I met him when he flew  
25 in from New Orleans and I took him to his

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6

1 hotel, and he registered there under the  
2 name of W. O. Robertson.

3 Q Who was registered under the name of W. O.  
4 Robertson?

5 A Mr. Garrison.

6 Q Do you have anything with you from the hotel  
7 showing the dates you were there, Mr.  
8 Phelan?

9 A I have my own hotel bill. I stayed at the  
10 Dunes.

11 Q May I see that, sir?

12 A Yes, sir.

13 Q Mr. Phelan, you have identified this document --  
14 MR. ALCOCK:

15 May I see that exhibit?

16 MR. DYMOND:

17 Surely. I will mark it for identification  
18 purposes as "D-54."

19 (Whereupon, the document referred  
20 to by Counsel was duly marked for  
21 identification as "Exhibit D-54.")

22 BY MR. DYMOND:

23 Q Mr. Phelan, I submit to you the document which  
24 you just handed to me and which I have  
25 marked for identification as D-54, and ask

Reference copy, JFK Collection: HSCA (RG 233)

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you to identify this document.

A It is a paid hotel bill from the Dunes Hotel  
in Las Vegas for the room I occupied from  
March 4 to March 7.

Q Of what year, sir?

A 1967.

MR. DYMOND:

If the Court please, in connection with.

the testimony of this witness, I

would like to offer, file and produce

in evidence the document marked for

identification as "D-54."

MR. ALCOCK:

No objection.

THE COURT:

Let it be received.

BY MR. DYMOND:

Q Mr. Phalen, you have testified you arrived in  
Las Vegas on the 4th, of what month was  
that, sir?

A March.

Q The 4th of March, 1967. Was that before or  
after the holding of the preliminary hear-  
ing in this case?

A That was prior to the preliminary hearing.

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1 Q After arriving in Las Vegas on March 4, 1967,  
2 when did you first see Mr. Garrison in  
3 Las Vegas?

4 A March 5.

5 Q Where did this meeting take place, sir?

6 A I met him at the airport then I talked to him  
7 at the Sands Hotel.

8 Q At the time you talked with Mr. Garrison at  
9 the Sands Hotel on March 5, 1967, in  
10 Las Vegas, did Mr. Garrison give anything  
11 to you?

12 A He gave me two documents, but I don't believe  
13 it was March 5, I think it was the day  
14 after, March 6. We had a series of con-  
15 ferences before he gave me the documents.

16 Q Mr. Phalen, I show you a document which has  
17 been introduced in evidence and marked for  
18 purposes of identification as State and  
19 Defense 20, and ask you to examine this  
20 document and tell me whether it was one of  
21 the documents given to you by Mr. Garrison  
22 on the 6th of March, 1967? That is, whether  
23 that is a true and faithful copy of it,  
24 not necessarily the same paper?

25 A Yes, sir.

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Q Now, Mr. Phelan, after this document was given to you by Mr. Garrison, what did you do?

A I went back to my hotel. He gave it to me late, I went back to my hotel and read the two documents, and reread them and reread them.

Q Could you tell me approximately how many times you read them on that occasion, sir?

A I read this one about six times.

Q What was your purpose in reading it so many times, Mr. Phelan?

A Because there was a wide discrepancy --

MR. ALCOCK:

I object to this. He cannot testify as to the nature of the document. The document speaks for itself. It has been read to the Jury.

MR. DYMOND:

I am entitled to know why this man read it an unusual number of times.

MR. ALCOCK:

He is going into inconsistencies.

MR. DYMOND:

Try to answer the question without expressing an opinion, if you can.

THE COURT:

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That is almost impossible.

MR. DYMOND:

Yes, I am afraid it might be.

THE WITNESS:

It is very difficult, sir.

BY MR. DYMOND:

Q Be that as it may, you say you did read it  
about six times?

A Yes, sir.

Q After having read this document numerous times,

Mr. Phalen, what did you do?

A The next morning I Xeroxed a copy of it and a  
copy of the other document and returned  
the original to Mr. Garrison.

Q Did you tell him anything at that time?

A No, sir.

Q Was the last you saw of Mr. Garrison at Las  
Vegas on that occasion?

A I think I talked to him one more time. I talked  
to him a total of about four or five times.

Q Mr. Phalen, when did you eventually leave  
Las Vegas on this trip which commenced on  
March 4, 1967?

A March 7.

Q Where did you go from Las Vegas after leaving

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11

1                   there?

2       A       I went to my home in Long Beach and then re-  
3                   turned to New Orleans.

4       Q       Approximately, sir, when did you return to  
5                   New Orleans?

6       A       A couple of days later.

7       Q       Upon your arrival here what did you do?

8       A       I covered the Clay Shaw preliminary hearing.

9       Q       When you say you covered it, were you here on  
10                  behalf of a publication?

11      A       I covered it for the Saturday Evening Post.

12      Q       Were you sitting in the courtroom during the  
13                  testimony elicited at this preliminary  
14                  hearing?

15      A       Yes, sir.

16      Q       After hearing the preliminary hearing proceed-  
17                  ings, what did you then do, Mr. Phalen?

18      A       After the preliminary hearing?

19      Q       Right.

20      A       I believe it was the next day I called Mr.

21                  Garrison and told him I was tremendously  
22                  disturbed by the testimony of Perry Russo.

23      MR. ALCOCK:

24                  I am going to object to this line of  
25                  questioning and the answers, because

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the Court has repeatedly said the preliminary hearing forms no part of this case, and what this man is saying now is as a result of him listening to the testimony at the preliminary hearing.

THE COURT:

I overrule the objection. He is testifying as to the fact he made a statement to someone.

BY MR. DYMOND:

Q What did you tell Mr. Garrison, Mr. Phalen?

A I called him at his home and told him I was tremendously disturbed by the testimony of Perry Russo.

Q Did you tell him why?

A Not on the phone.

THE COURT:

Don't tell us what he told you.

BY MR. DYMOND:

Q Can you tell us how long after the preliminary hearing this telephone conversation took place?

A I think it was the next day. It couldn't have been more than two.

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J2/N

13

1 Q What was the next contact, if any, you had  
2 with Mr. Garrison concerning this?

3 A Shortly after the telephone call I went to  
4 his house.

5 Q Was that here in New Orleans, sir?

6 A Yes, sir.

7 Q Daytime or nighttime?

8 A Evening.

9 Q Approximately what time?

10 A I would have to guess. Maybe 6:00 or 7:00.

11 Q Upon your arrival at Mr. Garrison's home, did  
12 you find him there?

13 A Yes, sir.

14 Q Who else, if you know, that is who that you  
15 know of in addition to Mr. Garrison was  
16 there when you arrived?

17 A Mrs. Garrison and their children.

18 Q At this time did you tell Mr. Garrison anything?

19 A Yes, sir.

20 Q What did you tell him?

21 A I told him that there was a complete discrepancy  
22 between what Mr. Russo had told as related  
23 in the Sciambra memorandum and what he  
24 testified to on the stand here.

25 Q What, if anything, was Mr. Garrison's reaction

Reference copy, JFK Collection: HSCA (RG 233)

12/N

14

1 to this?

2 MR. ALCOCK:

3 Objection.

4 MR. DYMOND:

5 I didn't ask what he said. The reaction  
6 could be physical.

7 THE WITNESS:

8 His jaw dropped a little bit.

9 THE COURT:

10 I haven't ruled on it yet. I think he  
11 can testify to a reaction.

12 BY MR. DYMOND:

13 Q What, if anything, was Mr. Garrison's reaction  
14 to your statement?

15 A His jaw dropped a little bit.

16 Q After he picked his jaw up, what happened?

17 A He made a telephone call.

18 Q As a result of this telephone call did anyone  
19 else come to Mr. Garrison's home?

20 A Yes, Mr. Sciambra.

21 Q Was he accompanied by anyone else from the  
22 DA's Office?

23 A No, but before he arrived Mr. William Gurvich  
24 came to the house.

25 Q So I take it Mr. Sciambra, Mr. Gurvich, you and

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J2/N

15

1 Mr. Garrison were there, is that correct?

2 A Yes, sir, in his study.

3 Q During the course of this visit did you have  
4 occasion to say anything to Mr. Sciambra?

5 A Yes, sir.

6 Q Will you tell us what you said to Mr. Sciambra,  
7 please?

8 A I told Mr. Sciambra that in his interview, in  
9 his report of the interview with Mr. Russo  
10 in Baton Rouge, there was no information  
11 whatsoever about an assassination plot,  
12 about Mr. Shaw knowing Lee Oswald, and  
13 there was nothing about Mr. Russo saying  
14 that he knew Clay Shaw as Clay Bertrand  
15 or Clem Bertrand.

16 Q What was Mr. Sciambra's reaction or his reply  
17 to that statement?

18 MR. ALCOCK:

19 I object to that.

20 THE COURT:

21 I sustain the objection.

22 MR. DYMOND:

23 May I be heard on that?

24 THE COURT:

25 Not in front of the Jury.

Reference copy, JFK Collection: HSCA (RG 233)

1 MR. DYMOND:

2 Then I would like to be heard outside of  
3 the presence of the Jury.

4 THE COURT:

5 I think I anticipate what you are going  
6 to say.

7 MR. DYMOND:

8 If I may suggest, we can argue this matter  
9 before the Jury comes back for lunch.

10 THE COURT:

11 Gentlemen, do not discuss this case  
12 amongst yourselves or with anyone  
13 else until it is finally given to you  
14 for your decision.

15 Sheriff, take charge of the Jury and have  
16 them back here for 1:30.

17 (Whereupon, the Jury was removed  
18 from the courtroom.)

19 THE COURT:

20 You may proceed, Mr. Dymond.

21 MR. DYMOND:

22 If the Court please, with regard to what  
23 Mr. Sciambra said at this time, we  
24 now get into an area which is com-  
25 pletely different from having one

1 person testify as to what another  
2 has said, for the reason at this  
3 point in the trial Mr. Sciambra has  
4 testified as a witness, has denied  
5 making certain statements to Mr.  
6 Phalen in the course of some conver-  
7 sation about which we are talking  
8 right now. So we have here a con-  
9 flict in the testimony as between  
10 two witnesses which is certainly  
11 relevant to the credibility of both  
12 of those witnesses.

13 THE COURT:

14 Wasn't Mr. Sciambra refused permission  
15 to testify what Mr. Phalen told him?  
16 Now we have the other side, Mr. Phalen  
17 saying what he said.

18 MR. DYMOND:

19 The record will reflect we did not object  
20 to Mr. Sciambra testifying to what  
21 Mr. Phalen had said during the course  
22 of that conversation. Mr. Sciambra  
23 was examined as to what he said during  
24 the course of that conversation.  
25 When he denies he said something we

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18

are entitled to show by another witness what he said.

MR. ALCOCK:

Is Defense Counsel saying they are putting this man on the stand to impeach specific statements made by Mr. Sciambra? I don't recall his attention being called to specific statements and him denying it. This is the only way this witness could testify about anything Mr. Sciambra said.

MR. DYMOND:

From memory I can point out one specific statement that was denied.

THE COURT:

Did you lay a predicate as to time, place, and --

MR. DYMOND:

Yes, we did. It was set forth as to where it was, what took place and the circumstances.

THE COURT:

We can look it up.

MR. DYMOND:

Mr. Sciambra was specifically asked whether

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J2/N

19

1 he engaged in a conversation with  
2 Mr. Phalen with regard to a bet about  
3 what was contained in this memorandum  
4 and he denied it.

5 THE COURT:

6 I recall that. If there is a question on  
7 exactly what was said we are going  
8 to have to get in touch with Mrs.  
9 Dietrich and find out who was the  
10 court reporter who took Mr. Sciambra's  
11 testimony. If you can show me you  
12 laid a predicate, then I will rule  
13 you have laid a proper foundation.  
14 Unless you can show me you have done  
15 that I will sustain Mr. Alcock's  
16 objection. Is that the legal situa-  
17 tion?

18 MR. ALCOCK:

19 That is as I understand it. The only thing  
20 this man can testify to as to what  
21 Mr. Sciambra said or what Mr. Russo  
22 said, is if their attention was called  
23 to a specific statement at a specific  
24 time and they can be impeached. In  
25 testifying what he is doing is going

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J2/N

1                   into the Sciambra memo which is already 20  
2                   in evidence and it speaks for itself.  
3                   Now he is putting his interpretation  
4                   on the Sciambra memo, which is con-  
5                   trary to the earlier ruling of the  
6                   Court, which said the Sciambra memo  
7                   should be read to the Jury and no  
8                   interpretation put on it.

9           THE COURT:

10                I wouldn't say he is putting an interpre-  
11                tation on it.

12           MR. ALCOCK:

13                These things were admitted by Russo and  
14                Sciambra. What are we impeaching?  
15                I know the newspaper reports have not  
16                been very -- well, perhaps I had  
17                better not say that. There may possi-  
18                bly be some report in the press as to  
19                what was said.

20           THE COURT:

21                Mrs. Dietrich is here now. Mrs. Dietrich,  
22                we have come to a point where we find  
23                it necessary to go over Mr. Sciambra's  
24                testimony. I don't know who took it.  
25                I don't know if you have expedited

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1 that particular testimony at the  
2 request of any person, but we have  
3 reached a point where we have to have  
4 someone read through Mr. Sciambra's  
5 testimony for this specific point.  
6 What was the point you wanted to  
7 check?

8 MR. DYMOND:

9 It is our contention that Mr. Sciambra  
10 was specifically asked about this  
11 meeting at Mr. Garrison's house after  
12 the preliminary hearing, the meeting  
13 being attended by Mr. Gurvich, Mr.  
14 Sciambra, Mr. Phalen and Mr. Garrison.  
15 We contend that he was asked whether  
16 at that time he had any conversation  
17 with Mr. Phalen in connection with a  
18 bet which was offered as to what was  
19 or was not contained in his memorandum  
20 to Mr. Garrison under date of  
21 February 27, 1967, and that Mr. Sciambra  
22 denied there having been any conver-  
23 sation pertaining to a proposed bet.

24 MR. ALCOCK:

25 For the sake of expedition, is this the

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22

only point you want looked up?

MR. DYMOND:

I can't say at this time whether it is the only point. However, I think once we locate the general area in the record where this subject matter is covered we are not going to have any problem.

THE COURT:

Suppose the reporter who took it is out of town? Who took it, Mrs. Dietrich?

MRS. DIETRICH:

May I get my notes, Judge?

THE COURT:

Yes.

MRS. DIETRICH:

Mr. Neyrey took it on Wednesday, the 12th of February, and I don't have a notation that Mr. Sciambra continued the next morning, so Mr. Neyrey must have all the notes.

THE COURT:

Is there a way you can reach Mr. Neyrey?

MRS. DIETRICH:

I will try right away.

Reference copy, JFK Collection. HSCA (RG 233)

J2/N

23

1 THE COURT:

2 Could you ask him to be here at 1:30

3 with his notes of Mr. Sciambra?

4 Meantime, I will ask Mr. Jacobs if

5 he can get us a noon edition of the

6 11th or 12th. It may have something

7 we can use in that edition.

8 Mr. Phalen, you are excused for lunch.

9 The Court is adjourned until 1:30 p.m.

10  
11  
12 (Whereupon, a luncheon recess was taken.)  
13  
14  
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Reference copy, JFK Collection: HSCA (RG 233)

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24

1 AFTER THE LUNCHEON RECESS:

2 THE COURT:

3 For the record, before we bring the Jury  
4 down, I don't believe -- do you want  
5 to have him read the question back?

6 MR. ALCOCK:

7 I have no objection to the question being  
8 repropounded.

9 THE COURT:

10 Why don't you repropound the question  
11 where we excused the Jury and I will  
12 go to what I have.

13 MR. DYMOND:

14 Let me see what I have.

15 THE COURT:

16 I want you to propound it because I want  
17 to clear this up out of the presence  
18 of the Jury and then we will bring  
19 them back.

20 JAMES R. PHELAN,  
21 having been sworn and having testified previously,  
22 resumed the stand for a continuation of the

23 DIRECT EXAMINATION

24 BY MR. DYMOND:

25 Q Mr. Phelan, referring to the meeting at Mr.

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11/N3

1 Garrison's home about which you were  
2 testifying when you left the witness stand,  
3 at that time did you ask Mr. Sciambra why  
4 his report of the first interview with  
5 Perry Raymond Russo contained nothing  
6 about an assassination plot or an assassi-  
7 nation meeting?

8 THE COURT:

9 Was that the interruption at that time?

10 MR. DYMOND:

11 I think the interruption came on what

12 Mr. Sciambra stated in reply to that.

13 THE COURT:

14 The legal point when we get the Jury down,  
15 you can ask the question what did  
16 Mr. Sciambra say to him, then you can  
17 call for a verbatim transcript which  
18 you have written down by Mr. Neyrey  
19 and I will rule on it.

20 Bring the Jury down. I think we are going  
21 to have Mr. Neyrey in attendance at  
22 least part of the afternoon.

23 MR. DYMOND:

24 Maybe there is one other question that I  
25 have propounded and I had better

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26

1 mention it to you now.

2 THE COURT:

3 Shut the door.

4 BY MR. DYMOND:

5 Q Did Mr. Sciambra contend that his original  
6 memorandum to Mr. Garrison contained an  
7 account of an assassination meeting or  
8 assassination plot?

9 THE COURT:

10 You would object on the grounds that  
11 predicate was not laid.

12 MR. ALCOCK:

13 Yes, Your Honor.

14 THE COURT:

15 Then you will have to get Mr. Neyrey again  
16 for that part of the testimony.

17 MR. DYMOND:

18 That gets us up to date, Your Honor.

19 THE COURT:

20 We used the newspapers as a reference, but  
21 it was out of context. We will have  
22 to wait for that to be transcribed.

23 MR. DYMOND:

24 We now have a verbatim transcript, Your  
25 Honor.

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W1/N5

27

1 THE COURT:

2 We do. Did that occur in the cross-  
3 examination by Mr. Wegmann --

4 MR. DYMOND:

5 Yes.

6 THE COURT:

7 Suppose we try to find that.

8 MR. DYMOND:

9 It is in that portion that you have, we  
10 have covered most of it.

11 THE COURT:

12 I will let you ask both questions.

13 Bring the Jury in.

14 You can use this as an exhibit.

15 (Whereupon, the Jury was brought  
16 back in.)

17 THE COURT:

18 I would suggest, Mr. Dymond, you do it all  
19 over again in front of the Jury.

20 MR. DYMOND:

21 Very well, Your Honor.

22 BY MR. DYMOND:

23 Q Mr. Phelan, referring again to the meeting at  
24 Mr. Garrison's house, where Mr. William  
25 Gurvich, you, Mr. Sciambra, and Mr. Garrison

Reference copy, JFK Collection: HSCA (RG 233)

W1/N6

1           were present, at that time did you ask Mr.  
2           Sciambra why his report of his interview  
3           with Perry Raymond Russo which was dated  
4           February 27, 1967, did not contain anything  
5           concerning an assassination meeting or  
6           assassination plot?

7           MR. ALCOCK:

8           Objection, Your Honor.

9           THE COURT:

10          State your reason why, Mr. Dymond.

11          MR. DYMOND:

12          My reason is that when Mr. Sciambra was  
13          on the witness stand he was asked  
14          whether or not he had ever claimed,  
15          whether he had ever claimed -- may I  
16          have that transcript, I will give it  
17          to you verbatim, Your Honor.

18          THE COURT:

19          Here it is.

20          MR. DYMOND:

21          Whether he ever claimed that an account  
22          of an assassination meeting or  
23          assassination plot was contained in  
24          this memorandum which he had written  
25          for Mr. Garrison, and in answer to

Reference copy, JFK Collection: HSCA (RG 233)

V1/N7

1                   that question he said no, he had  
2                   never contended that.

3       THE COURT:

4                   The article that covers that.

5       MR. DYMOND:

6                   Article 493.

7       THE COURT:

8                   It is my understanding you are claiming  
9                   that he did not distinctly admit --

10      MR. DYMOND:

11                   Not only did he not distinctly admit it,  
12                   he denied it, and his denying it under  
13                   the terms of Article 493, it gives me  
14                   the right to put on evidence at this  
15                   time to prove that he did make the  
16                   statement.

17      THE COURT:

18                   I will overrule the objection. I will per-  
19                   mit you to proceed.

20      MR. DYMOND:

21                   Would you kindly repeat the question,  
22                   please.

23                   (Whereupon, the pending question  
24                   was read back by the Reporter.)

25      THE WITNESS:

Reference copy, JFK Collection, HSCA (RG 233)

W1/N8

1 I certainly did.

2 BY MR. DYMOND:

3 Q And what was Mr. Sciambra's reply to that ques-  
4 tion, Mr. Phelan?

5 A He said that I did not know what the hell I  
6 was talking about.

7 Q After he said that you didn't know what the hell  
8 you were talking about, was there any con-  
9 versation between you and Mr. Sciambra or  
10 any conversation by you pertaining to a  
11 proposed bet on what was in the memorandum?

12 A Yes, there was.

13 Q Would you relate that for us, please.

14 A He stated, he stated that I was all wrong, about  
15 stating that there was nothing about the  
16 assassination plot, and I told him that I  
17 had a copy of his memorandum and had read  
18 it six or eight times, and I said, "I will  
19 bet my job on the Saturday Evening Post  
20 that that memorandum is exactly the way I  
21 described it if you will bet your job with  
22 the District Attorney's Office and we will  
23 read the memorandum and find out who is  
24 right."

25 Q Was there any response to this proposal?

Reference copy, JFK Collection: HSCA (RG 233)

W1/N9

31

1 A I did not get a bet.

2 Q Did you at any time during this conversation  
3 request the production of Mr. Sciambra's  
4 notes on this interview with Perry Raymond  
5 Russo?

6 A Not at Mr. Garrison's house.

7 Q Not at that time. Did you at a later date?

8 A The next day -- I hadn't thought at the time,  
9 the next day I went down to the DA's  
10 Office and I said, "We can clear up this  
11 matter real easy by your producing your  
12 original notes." I said, "I would assume  
13 that if you heard a witness say that he  
14 had heard a plot to assassinate the Presi-  
15 dent, that you would at least make a note  
16 of it." I said, "Get your original notes  
17 and we will clear it up right now."

18 Q Now, Mr. Phelan, at the time of the meeting at  
19 Mr. Garrison's house or any other time, did  
20 you ask about any other things that you  
21 considered discrepancies in this memo-  
22 randum as distinguished from the testimony  
23 that you heard Russo give at the preliminary  
24 hearing?

25 A Well, we discussed the memorandum at considerable

Reference copy, JFK Collection: HSCA (RG 233)

1/N10

32

length for, oh, a half hour or so.

Q What other discrepancies did you ask about and asked to be explained to you?

MR. ALCOCK:

I object to this, Your Honor, the memorandum is in evidence, the Jury heard it and they heard Mr. Sciambra and they heard Perry Russo, the discrepancies based on whose opinion, his opinion? They are asking for an opinion.

MR. DYMOND:

I will rephrase the question if the Court please.

BY MR. DYMOND:

Q Were there any other matters contained in this memorandum which you had read six or eight times about which you asked either Mr. Sciambra and/or Mr. Garrison?

A Yes.

Q Tell us what other things you asked them about.

A We went over it at great length, and one line in the memorandum --

Q Let me interrupt you and say if you have any notes of your own to which you might refer

Reference copy, JFK Collection: HSCA (RG 233)

W1/n11

33

for the purpose of refreshing your memory,  
you may do so, sir.

THE COURT:

I suggest we get the exhibit, the Sciambra  
memorandum and let him have the memo-  
randum.

MR. DYMOND:

All right, Your Honor.

THE COURT:

Do you recall what State exhibit number  
that would be, "S and D-20," "State  
and Defense 20"?

MR. DYMOND:

That is correct, "S and D-20."

BY MR. DYMOND:

Q I am handing a copy of the Sciambra memorandum  
of February 27, which has been marked for  
identification "S and D-20," and --

A The main point that we discussed was on Page 6 --

MR. ALCOCK:

This is what I was objecting to, this memo-  
randum is in evidence, it states for  
itself, the man can't go down the  
memorandum and pick out discrepancies  
that he feels that are present in the

Reference copy, JFK Collection: HSCA (RG 233)

/N12

34

memorandum. It has already been read  
to the Jury.

MR. DYMOND:

I agree he cannot pick out what he considers  
to be discrepancies, I am not asking  
him to do that, and I will specifical-  
ly ask the witness at this time to  
refrain from labelling anything "main"  
or putting any adjectives before it.  
I merely want to know what discrepan-  
cies, at least --

THE COURT:

You are using the word, that is a bad  
word.

MR. DYMOND:

I want him, I want to ask this witness  
what matters in this memorandum, what  
matters did he ask questions about,  
that's all.

THE WITNESS:

The section that says "The next picture  
that he identified was that of Clay  
Shaw, he said he saw this man twice."

BY MR. DYMOND:

Q What did you ask either Mr. Sciambra or Mr.

Reference copy, JFK Collection: HSCA (RG 233)



W1/N13

35

1 Garrison about that?

2 A I pointed out that I had heard Mr. Russo's  
3 testimony and that he had testified that  
4 he saw Shaw three times. The one time  
5 it was not mentioned in this memorandum was  
6 the party where the assassination plot  
7 presumably occurred.

8 Q Will you name another portion of that memorandum  
9 that you asked about.

10 A The conversation centered on this point, and the  
11 other two times at which Russo claims to  
12 have seen Shaw.

13 Q What did you say in connection with that?

14 A I said that I found that absolutely incredible  
15 that a lawyer could go to Baton Rouge,  
16 interview a supposed witness to the crime  
17 of the century and then come down and write  
18 a 3500-word memorandum and leave out the  
19 crime.

20 Q I will ask you -- go ahead.

21 A I said that if I had heard Mr. Russo describing  
22 the assassination plot, and I came down  
23 and wrote a one-paragraph memorandum, I  
24 would certainly have mentioned the assassi-  
25 nation plot.

Reference copy, JFK Collection: HSCA (RG 233)

W1/N14

1 Q I will ask you to look further at the memorandum  
2 and tell me whether there are any other  
3 portions about which you asked or com-  
4 mented.

5 A I think there were not.

6 Q I beg your pardon?

7 A I think there were not.

8 Q Now, after leaving Mr. Garrison's house that  
9 evening, did you testify that you came to  
10 the District Attorney's Office the follow-  
11 ing morning, Mr. Phelan?

12 A Yes.

13 Q And that is when you had your conversation with  
14 Mr. Sciambra?

15 A Correction, I am not certain whether it was the  
16 morning or the afternoon, the next day.

17 Q It was the following day?

18 A Yes.

19 Q All right. At any time subsequent to your  
20 coming here to the District Attorney's  
21 Office, did you have occasion to see  
22 Perry Raymond Russo?

23 A Subsequent to the preliminary hearing?

24 Q Yes, and subsequent to your coming to the District  
25 Attorney's Office following the meeting at

W1/N15

- 1 Mr. Garrison's home?
- 2 A Yes, I went to Baton Rouge and saw him.
- 3 Q Was this or was it not a prearranged meeting?
- 4 A It was prearranged.
- 5 Q With whom did you make the arrangements for this
- 6 meeting?
- 7 A Mr. Sciambra.
- 8 Q When you went to Baton Rouge, were you alone?
- 9 A No, sir.
- 10 Q Whom did you have with you?
- 11 A I had Matt Herron, he is a New Orleans photo-
- 12 grapher who shot the pictures for my
- 13 Saturday Evening Post piece.
- 14 Q Now, did you and Mr. Herron end up seeing Mr.
- 15 Russo in Baton Rouge?
- 16 A Yes, we did.
- 17 Q Where did you see him?
- 18 A At his home. I don't recall the address, the
- 19 place where he was living at, a little
- 20 frame house.
- 21 Q Now, tell us what happened when you went in
- 22 and saw Mr. Russo on that occasion?
- 23 A We talked for several hours, he gave me the back-
- 24 ground of how he had appeared as a witness,
- 25 and at the end, near the end of our inter-

Reference copy, JFK Collection: HSCA (RG 233)

view, I handed him a copy of the Sciambra memorandum.

Q What did you tell him when you handed him that copy?

A I told him I was going to use the material in the memorandum in the Post piece, and I was giving it --

Q Now, the Post piece --

A The article I was writing for the Saturday Evening Post, and I gave it to him and asked him to read it and tell me if it was a correct account of his original interview by Mr. Sciambra.

Q When you handed it there to him, did he or did he not read it?

A Yes, he read it, he read it line by line.

Q Did he make any corrections or did he accept it?

A Yes, he made some corrections.

Q Approximately how many?

A He made four specific corrections and a comment.

Q Could you tell us what the four corrections were, Mr. Phelan?

A He corrected the line on Page 1 that said, "He was told at time" -- I presume it is at

W1/N16

W1/N17

1           that time, a misprint here, "He was told  
2           at that time by Landry's mother that  
3           Ferrie had taken Landry out of the country" --

4       THE COURT:

5           Would you repeat that, please.

6       THE WITNESS:

7           He corrected the line in the second para-  
8           graph, he said, "He was told at that  
9           time by Landry's mother that Ferrie  
10          had taken Landry out of the country."  
11          He changed that to say that Landry had  
12          told him this, and not Landry's mother.

13   BY MR. DYMOND:

14   Q     All right.

15   A     He corrected the line on the second page in the  
16          last paragraph where it says, "Russo said  
17          that one night he and Landry and Tim  
18          Kershenstine, who lives on 2061 Pelopidas,"  
19          p-e-l-o-p-i-d-a-s, --

20   Q     Pelopidas.

21   A     "Phone Number 943-8490, and possibly Niles  
22          Peterson were in the Interlect, which is  
23          located on Bourbon Street and they ran into  
24          Dave Ferrie." He said it was a place next  
25          to the Interlect.

Reference copy, JFK Collection: HSCA (Rg 233)

1 Q All right. Anything else?

2 A He corrected the line on Page 3, which says,  
3 "He also admitted to Russo for the first  
4 time he was a homosexual."

5 Q What did he correct about that?

6 A He said that he had not made, that Russo -- that  
7 this is referring to David Ferrie, and he  
8 said that David Ferrie did not make that  
9 admission to him.

10 Q Did he make any other corrections?

11 A He made a correction, he made a correction on  
12 the seventh page, where it says, "He also  
13 said that if he were hypnotized," -- no,  
14 "He said that he had been hypnotized like  
15 this before," he corrected that line and  
16 said he had not been hypnotized.

17 Q Did he take exception to the statement to the  
18 effect that Russo had reported having seen  
19 Shaw only twice rather than three times as  
20 he had testified? Did you make any comment  
21 to him about that?

22 A I can tell you what he said.

23 Q What did he say?

24 A I had underlined that in a copy of the memorandum  
25 I had, I had underlined that in with a ball-

point pen, it was the only mark I made on the memorandum, it struck me at the time, so when he was reading through, he comes to that line and he stopped, he stopped and he said, "I should have said three times, I am usually pretty careful about what I say," and he shrugged and he said, "but maybe I only said twice," and went on reading the memorandum.

Q Did you ask him any questions pertaining to when was the first time that he had mentioned the assassination meeting or plot to Mr. Sciambra?

A Yes, I did. When he finished reading the memorandum, I asked him one question.

Q What was that, sir?

A I said, "Well, then, you first mentioned the assassination plot when," and he said, "After I got to New Orleans."

Q Now, after this Baton Rouge meeting, Mr. Phelan, did you have any other occasion or occasions to see Perry Raymond Russo?

A Yes.

Q How did these visits or meetings come about?

A After I had talked in Baton Rouge I went im-

1 immediately to New York and I wrote the  
2 article for the Saturday Evening Post.

3 About a week or so after the article was  
4 out I called Matt Herron here in New  
5 Orleans and I asked him what the local  
6 reaction had been about it and he told me

7 MR. ALCOCK:

8 Objection to what Matt Herron may have  
9 said.

10 MR. DYMOND:

11 You cannot say what Mr. Herron told you.

12 BY MR. DYMOND:

13 Q What you wanted to know was the local reaction  
14 to what?

15 A To the article and the statements made in it.

16 Q Now, as a result of your conversation with  
17 Matt Herron, did you have any further  
18 meeting or meetings with Mr. Russo?

19 A I telephoned him from New York. The result of  
20 the telephone call --

21 MR. ALCOCK:

22 I didn't hear his response to that.

23 THE WITNESS:

24 I telephoned Perry Russo from New York.

25 BY MR. DYMOND:



W1/N21

1 Q After this telephone call by you to Perry  
2 Russo, when approximately and where did  
3 the next meeting take place?

4 A About the last week in May, 1967.  
5  
6  
7  
8  
9

10 NO HIATUS HERE.  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

W2/N1

1 Q And where, Mr. Phelan?

2 A At his home.

3 Q What section of the City or on what street was  
4 he living at that time, sir, if you re-  
5 member?

6 A Well, the geography of New Orleans kind of  
7 baffles me. I think it is out near City  
8 Park. I don't recall the address.

9 Q Now, what, if anything, did you ask Russo at  
10 this meeting?

11 A The first meeting we went down to the corner,  
12 to the poolroom there and played a little  
13 pool, and we started back to the house,  
14 and I did not ask him anything, he stopped  
15 and made a statement to me in the middle of  
16 the street or in the middle of the side-  
17 walk.

18 Q What was the statement?

19 MR. ALCOCK:

20 I object to any statement he may have made  
21 unless the Defense Counsel can show  
22 it is used for impeachment purposes  
23 and show the proper predicate was  
24 laid and show the witness denied making  
25 the statement.

1 MR. DYMOND:

2 If this is the statement, if that is the  
3 statement I think it is, I will refer  
4 the Court to Page 420 of the transcript.

5 THE COURT:

6 All right.

7 MR. DYMOND:

8 If I might ask one question here. I think  
9 I can identify the statement about  
10 which Mr. Phelan is testifying in a  
11 non-prejudicial manner.

12 BY MR. DYMOND:

13 Q Did this statement have anything to do with a  
14 priest, Mr. Phelan?

15 A Yes.

16 MR. DYMOND:

17 I refer Your Honor to Page 420.

18 THE COURT:

19 The top of Page 420?

20 MR. DYMOND:

21 Yes.

22 THE COURT:

23 I overrule the objection.

24 MR. ALCOCK:

25 I suggest the Court look at Page 419 where

1 the question is answered. He went  
2 in great lengths in that answer.

3 MR. DYMOND:

4 There are two sections to this statement,  
5 and I refer Your Honor to the last  
6 sentence of R.S. 15:493, where the  
7 statute says that, "If the witness  
8 does not distinctly admit making such  
9 statement, evidence that he did make  
10 it is admissible."

11 THE COURT:

12 I am aware of that.

13 I overrule the objection. I think your  
14 question should revert back to the  
15 middle of page 419.

16 MR. DYMOND:

17 I think the question was directed toward  
18 that, Your Honor, and I think that  
19 is what the witness --

20 THE COURT:

21 I overrule the objection based on the last  
22 sentence of R.S. 15:493.

23 Do you wish to have this back?

24 BY MR. DYMOND:

25 Q What statement did Perry Raymond Russo make to

1           you at that time concerning a priest,  
2           Mr. Phelan?

3     A     He stopped, and right out of the blue he turned  
4           to me and said, "If Jim Garrison knew what  
5           I told my priest in Baton Rouge after the  
6           Shaw hearing, he would go through the  
7           ceiling."

8     Q     And what did you say?

9     A     I said, "Do you want to tell me what you told  
10          the priest," and he said, "Yes."

11    Q     And what did he say he had told the priest?

12    A     He said he told -- he told me that he had told  
13          the priest that he wanted to meet somewhere  
14          with Clay Shaw in order to be sure of his  
15          identification of Mr. Shaw.

16    Q     At any time, or was at any time a meeting between  
17          Clay Shaw and Perry Russo suggested?

18    A     I asked him first, I said, "For goodness sake,  
19          you got up here in Court and put your hand  
20          over the man's head and swore that he was  
21          the man," and I said, "now you want to make  
22          sure after you identified him," and I said  
23          "if you want to see Shaw, I think I could  
24          arrange it."

25    Q     What did he say to that?

1 A He said, "All right."

2 Q Did you attempt to arrange such a meeting with  
3 Clay Shaw and Perry Raymond Russo?

4 A Yes. The next day I went to Mr. Wegmann's  
5 office and they had Mr. Shaw there and I  
6 told them what Mr. Russo had said.

7 Q Did this meeting ever take place?

8 A No, sir.

9 Q To your knowledge, why not, Mr. Phelan?

10 THE COURT:

11 If he knows of his own knowledge.

12 MR. DYMOND:

13 That is correct.

14 THE WITNESS:

15 Mr. Shaw agreed to it immediately, and I  
16 went back and so reported it to Perry  
17 Russo and he backed off.

18 BY MR. DYMOND:

19 Q At that time, did he give you any reason for  
20 his backing off?

21 MR. ALCOCK:

22 I object to this, Your Honor, is this  
23 impeachment or are we going back over  
24 this area? We will put Perry Russo  
25 back up and Mr. Sciambra, we will be

here two years, Your Honor.

THE COURT:

I think Mr. Alcock's objection, unless you lay a predicate, specifically to impeaching on that particular point, you can't let it go into a general summation of what he thinks happened.

MR. DYMOND:

I refer Your Honor to Page 429 of the transcript of Mr. Russo's testimony, and it is also covered on a couple of the preceding pages, Your Honor.

THE COURT:

I think the question refers to the last paragraph of Page 428.

MR. DYMOND:

Yes, and it is also covered on a couple of the preceding pages, Your Honor. The main question that I wanted to ask is covered on Page 429.

MR. ALCOCK:

I don't think there is any impeachment here.

THE COURT:

That is what I was going to say.

The question was put to the witness, Mr.

Phelan.

MR. DYMOND:

This has to do with the first reason for not going through with the appointment.

THE COURT:

You are asking the question on that matter?

I am not going to repeat it, in the middle of 428, he gave you an answer.

I think this answer is such that he would not call it, you would not call it a denial. It is in the middle of Page 428.

MR. DYMOND:

That is not a flat denial, but, once again, I refer the Court to the last sentence of R.S. 15:493, which says, "If the witness does not distinctly admit making such statement, evidence that he did make it is admissible."

Certainly while it may not be a flat denial, it is not a distinct admission.

THE COURT:

I am not going to repeat the question, he



1                    says that may have been part of it.  
2                    I would understand that ordinarily  
3                    to me that the part that he is ad-  
4                    mitting is part of it, there may be  
5                    more to it than that, you haven't  
6                    asked him about the part.

7           MR. DYMOND:

8           He says that may be part of it, but --

9           THE COURT:

10           It goes on "Did you tell him that?", and  
11           his answer is "I am not sure that is  
12           exactly the reason I gave, no," so he  
13           is not sure.

14           MR. DYMOND:

15           That is correct, so that he does not dis-  
16           tinctly admit it.

17           MR. ALCOCK:

18           He may not be sure of the reason he gave,  
19           but it is an admission.

20           MR. DYMOND:

21           The law requires a distinct admission.

22           THE COURT:

23           I agree with you, Mr. Dymond. Mr. Alcock,  
24           based on that last sentence, if the  
25           witness does not distinctly admit

1 making such statement, evidence that  
2 he did make it is admissible," and  
3 under the way I am reading the testi-  
4 mony of 428 and 429, I will overrule  
5 your objection and permit him to  
6 answer the question.

7 BY MR. DYMOND:

8 Q What was the first reason that Perry Raymond  
9 Russo gave to you for not going through  
10 with that meeting?

11 A He said that word of it would undoubtedly leak  
12 back to Mr. Garrison that he met with  
13 Mr. Shaw and that Mr. Garrison would  
14 clobber him.

15 Q Now, at any subsequent time did Mr. Russo give  
16 you any other reason for not having gone  
17 through with that meeting?

18 A Yes.

19 Q Approximately when and where did this occur,  
20 Mr. Phelan?

21 A About six, five or six days later, on the eve  
22 of my departure for New York, out of my  
23 car in front of his house.

24 Q What did he say at that time?

25 MR. ALCOCK:

1                   Objection, unless it can be shown in the  
2                   record --

3           MR. DYMOND:

4                   That is on Page 429.

5           MR. ALCOCK:

6                   That has something to do with the dinner  
7                   at Fitzgerald's. He said it happened  
8                   when he got out of his automobile.

9           THE COURT:

10                   Let me see if I understand the legal  
11                   situation. You are asking Mr. Phelan  
12                   of an incident which occurred in  
13                   front of Russo's home, and there was  
14                   nothing here --

15           MR. DYMOND:

16                   I will ask Mr. Phelan where they had been  
17                   prior to that in order to tie it in.

18           THE COURT:

19                   Because there is nothing in here.

20           BY MR. DYMOND:

21           Q       Prior to the statement about which you were about  
22                   to testify, where had you and Perry Raymond  
23                   Russo been?

24           A       I took him and his roommate, Steve Derby, to the  
25                   seafood restaurant on the Lake, I think it

W2/N11

1 is Fitzgerald's, right on the edge of  
2 the water.

3 Q Now, at any time after leaving Fitzgerald's  
4 and more particularly in the vicinity of  
5 Perry Raymond Russo's house, did he give  
6 you any other reasons for not having kept  
7 the appointment?

8 MR. ALCOCK:

9 I object, the objection being that Mr.  
10 Russo was on the stand as clearly  
11 demonstrated in 429, his attention  
12 was not called to a specific time and  
13 place.

14 MR. DYMOND:

15 I submit it was, Your Honor, if you will  
16 read the transcript --

17 THE COURT:

18 I think the time, place and circumstances  
19 have been sufficiently identified at  
20 the place in the city, the time right  
21 after the dinner, and I overrule the  
22 objection.

23 MR. DYMOND:

24 You can read the same sentence, if you  
25 want.

W2/N12

1 BY MR. DYMOND:

2 Q After the dinner at Fitzgerald's, did Mr. Russo  
3 give you any other reason for not having  
4 gone through with the appointment to meet  
5 Clay Shaw?

6 A Yes, he did.

7 Q What was it, sir, what did he say?

8 A He told me, "I lied to you the first time I  
9 explained why I did not want to see Mr.  
10 Shaw," he said, "the reason I did not  
11 was that if I knew that if I got in the  
12 same room with him and talked to him, that  
13 I would know he was not the man, and if I  
14 knew that," he said, "what could I do, I  
15 could go on the run somewhere, I could go  
16 to Mexico or go out to California or  
17 San Francisco and become a beatnik, but I  
18 could never run from myself."

19 Q Was there ever any conversation by you with  
20 Russo in connection with the difficulty  
21 and indistinction between reality and  
22 fantasy?

23 A Yes.

24 Q Did he ever say that he had difficulty in so  
25 doing?

W2/N13

1 MR. ALCOCK:

2 I object, Your Honor, unless it can be  
3 shown where.

4 MR. DYMOND:

5 Page 433 of the transcript, Your Honor.

6 THE COURT:

7 The way I read Mr. Russo's answer is that  
8 he did admit distinctly, he did not  
9 deny it.

10 MR. DYMOND:

11 He admitted it with an explanation which  
12 amounted to a qualification.

13 THE COURT:

14 I rule that he did admit it and he had a  
15 right to give an explanation in that  
16 particular instance. I will sustain  
17 the objection.

18 BY MR. DYMOND:

19 Q Mr. Phelan, did Mr. Russo ever express any fear  
20 of reprisals from Mr. Jim Garrison in the  
21 event that he should change his testimony?

22 MR. ALCOCK:

23 Objection, Your Honor.

24 MR. DYMOND:

25 Page 436, Your Honor.

Reference copy, JFK Collection: HSCA (RG 233)

W2/N14

1 THE COURT:

2 It involves two full pages, Mr. Dymond.

3 Mr. Alcock, the way I read the testi-  
4 mony, it is from the beginning Mr.

5 Russo answered not exactly, no, and  
6 then he was permitted to explain, and  
7 after he explained, the question was  
8 repeated, "You didn't say it the way  
9 I read it to you, right," and he says  
10 "No," so he makes an absolute denial  
11 of the way, so I overrule the objec-  
12 tion.

13 MR. ALCOCK:

14 All right, Your Honor.

15 BY MR. DYMOND:

16 Q Do you recall the question?

17 A Yes, he did.

18 Q What did he say in this connection, Mr. Phelan?

19 A He said that he kept agonizing over the thing,  
20 he repeatedly said that he was sorry he  
21 had come forth as a witness, he felt  
22 trapped, and that if he tried to change  
23 his story now, that Mr. Garrison would  
24 probably charge him with something and  
25 that he would be clobbered and discredited

Reference copy, JFK Collection: HSCA (RG 233)

W2/N15

1 and lose his job, he was particularly  
2 concerned about his job with an insurance  
3 company.

4 MR. DYMOND:

5 We tender the witness.

6 CROSS-EXAMINATION

7 BY MR. ALCOCK:

8 Q Now, Mr. Phelan --

9 THE COURT:

10 Just a second. I know we did not come  
11 from lunch because we were waiting on  
12 the official transcript of testimony,  
13 so I sent for some coffee, and rather  
14 than start your examination, I will  
15 call a recess, we will take the Jury  
16 upstairs.

17 (Whereupon, a recess was taken.)

18 AFTER THE RECESS:

19 BY MR. ALCOCK:

20 Q Do you recall in April of 1967 appearing by --  
21 rather, interviewed by telephone on Close-  
22 up, WDSU Closeup, a radio program?

23 A Not specifically. After my article came out  
24 I was interviewed by probably 20 different  
25 organizations.

Reference copy, JFK Collection: HSCA (RG 233)



W2/N16

1 Q Do you recall when your article came out?

2 A Yes.

3 Q What date was that?

4 A Oh, I think -- no, I don't recall the exact  
5 date, I think -- I think it was May 3,  
6 we have a copy there, is there a copy of  
7 it there I can refresh my memory from?

8 THE COURT:

9 He can refresh his memory.

10 MR. WEGMANN:

11 Just read it to him.

12 THE COURT:

13 If he wants the article, he can have it.

14 What is the date, Mr. Phelan?

15 THE WITNESS:

16 May 6, 1967.

17 THE COURT:

18 1967?

19 THE WITNESS:

20 Yes.

21

22

23

24

25

NO HIATUS HERE.

W3/P1

60

1 BY MR. ALCOCK:

2 Q To further refresh your memory Bill Slater,  
3 Rick Townley and Dean Andrews were also  
4 in this program. Does that refresh your  
5 memory any more on this particular program?

6 A No.

7 Q Do you recall having made a statement on the  
8 program to the effect that Mr. Sciambra  
9 better watch out, that you taped your  
10 interview with Perry Russo in Baton Rouge?

11 A I don't specifically recall that.

12 Q You deny it?

13 A No, I would not deny it.

14 Q Did you tape it?

15 A No, sir.

16 Q Then if you made that statement on this program,  
17 it was a lie, right?

18 MR. DYMOND:

19 The witness has testified he does not  
20 remember making it.

21 MR. ALCOCK:

22 He does not deny it either.

23 THE COURT:

24 I will permit the question.

25 BY MR. ALCOCK:

Reference copy, JFK Collection: HSCA (Rg 233)

W3/P2

61

Q If you made the statement on the program that you do not deny, that would have been a lie, is that correct?

A If you wish to call it that.

Q Now, Mr. Phelan, going back to the conversation you had with Mr. Garrison, I think you said Mr. Gurvich was present, Mr. Sciambra at Mr. Garrison's home. Do you recall the conversation now? I am talking about the first conversation --

A Yes.

Q -- when you spoke to Mr. Sciambra. Is it your testimony that this is the first time that you called this discrepancy or alleged discrepancy to the attention of Mr. Garrison and Mr. Sciambra?

A Yes.

Q Do you recall whether or not Mr. Sciambra told you at that time that he, upon leaving Baton Rouge, February 27, reported verbally to Mr. Garrison that Perry Russo did in fact tell him about the party or gathering in which the assassination was discussed?

A Yes.

Reference copy, JFK Collection: HSCA (RG 233)

W3/P3

62

1 Q Do you recall that?

2 A Mr. Sciambra said that.

3 Q Did Mr. Garrison deny that in your presence?

4 MR. DYMOND:

5 I object to this on the ground it would  
6 be hearsay, Your Honor. Mr. Garrison  
7 is available to testify, Your Honor,  
8 and this is asking in fact what did  
9 Mr. Garrison say at this time.

10 THE COURT:

11 I sustain the objection.

12 MR. ALCOCK:

13 Very well, Your Honor.

14 BY MR. ALCOCK:

15 Q Now, Mr. Phelan, Mr. Sciambra then did deny the  
16 fact that Russo did not tell him. Is that  
17 correct? In other words, you got the  
18 impression from reading the memorandum that  
19 Russo did not tell Sciambra in Baton Rouge  
20 about this meeting. Is that correct?

21 A Yes, that is, I did not get the impression, I  
22 simply was not there.

23 Q But, Mr. Sciambra said he did tell him about  
24 it. Is that correct?

25 A Mr. Sciambra made a number of statements. He

Reference copy, JFK Collection: HSCA (RG 233)

W3/P4

63

first said that I had incorrectly described the memorandum and then about three minutes later he said, "Well, if the material is not in the memorandum, then I must have forgotten to put it in."

Q But he never denied, he never said or denied that he did not directly come back to Mr. Garrison and verbally relate the conspiratorial meeting to Mr. Garrison, did he?

A He claimed that, yes.

Q Now, was it not Mr. Sciambra who made arrangements for your going to Baton Rouge and interviewing Perry Russo?

A Yes, it was, he did it on Mr. Garrison's instructions.

Q I take it then as far as you know, Mr. Garrison did concur in the arrangement. Is that correct?

A I would have -- I would say yes, and then I would have to --

Q You can explain that.

A -- qualify it. Oh, no, that is correct, certainly, yes.

Q Now, did you feel at that time, did you, as you

Reference copy, JFK Collection: HSCA (RG 233)

W3/P5

64

1 feel now, that that was inconsistent with  
2 their trying to hide something?

3 MR. DYMOND:

4 I object, Your Honor, that calls for a  
5 conclusion and opinion of this  
6 witness.

7 THE COURT:

8 Would you rephrase your question.

9 BY MR. ALCOCK:

10 Q Did Mr. Sciambra in directing or assisting you  
11 in getting in touch with Perry Russo appear  
12 to be hiding anything from you?

13 MR. DYMOND:

14 Objection, it calls for a conclusion and  
15 opinion, Your Honor.

16 THE COURT:

17 I think he can still rephrase the question.

18 MR. ALCOCK:

19 Well, I will go on to something else,  
20 Your Honor.

21 BY MR. ALCOCK:

22 Q Now, during the course of your -- How long was  
23 your interview with Perry Russo, sir?

24 A Repeat that, please.

25 Q How long was your interview with Perry Russo?

Reference copy, JFK Collection: HSCA (RG 233)

- W3/P6
- 1 A Oh, between two and three hours.
- 2 Q Two and three hours?
- 3 A Yes.
- 4 Q Did you discuss the content of the memorandum
- 5 the entire time?
- 6 A No, sir.
- 7 Q When did you start discussing the content of
- 8 the memorandum?
- 9 A Near the end of the interview.
- 10 Q Was there any particular reason since you were
- 11 so concerned about this memorandum that you
- 12 did not discuss it at the outset of the
- 13 interview?
- 14 A Oh, he wanted to tell me the whole background
- 15 on the thing.
- 16 Q But you did not?
- 17 A I also asked him about other statements that he
- 18 had made and other interviews that he had
- 19 given prior to Mr. Sciambra's arrival up
- 20 there.
- 21 Q Would not you say, Mr. Phelan, that your
- 22 principal concern on that occasion was
- 23 the so-called Sciambra memorandum?
- 24 A Yes.
- 25 Q And yet it's your testimony now that you did

W3/P7

66

1 not approach the subject until just  
2 before leaving. Is that correct?

3 A No, I left, I left after he finally read it.

4 Q I don't understand your answer.

5 A He wanted to talk to me. He talked to me at  
6 great length and there were some other  
7 people there.

8 Q He did not call you, did he?

9 A No, sir.

10 Q The arrangements were made for you to see him,  
11 weren't they?

12 A Yes.

13 Q About this memorandum, weren't they?

14 A Yes.

15 Q What was your reason for not bringing up this  
16 memorandum that you felt so critical until  
17 the latter part of the conversation or just  
18 before you left?

19 A I told you he wanted to talk to me. He is a  
20 very talkative boy, and he felt that he  
21 was sort of the center of a lot of atten-  
22 tion and he kept telling me the background,  
23 his own background and so on. When he  
24 got through talking, and there were other  
25 people there, and some general conversation,

Reference copy, JFK Collection: HSCA (RG 233)



W3/P8

67

1 and when he got through talking, he knew  
2 I came up there to discuss this, I said,  
3 "Here is the memorandum," and I gave it  
4 to him.

5 Q Was there a lot of confusion, would you say,  
6 there?

7 A No, sir.

8 Q Were there many people in and out?

9 A There were -- Perhaps besides Mr. Herron,  
10 four or five people.

11 Q And what had you brought Mr. Herron along for?

12 A As a witness.

13 Q Did you give Mr. Herron an opportunity to read  
14 the memorandum before you questioned  
15 Perry Russo about it?

16 A I believe he did.

17 Q You are not sure?

18 A I am not certain. I knew -- He knew the main  
19 point in the memorandum, and that was the  
20 lack of any incriminating matter regarding  
21 Mr. Shaw, he knew that this was the thing  
22 that I was concerned about, but whether  
23 he read the entire memorandum I can't say.

24 Q Now, you say that you gave the memorandum to  
25 Mr. Russo and he read it word by word. Is

Reference copy, JFK Collection: HSCA (RG 233)

W3/P9

68

that your testimony?

A That is correct.

Q How long did it take him to read it?

A Oh, quite a while, he sat on the recliner and he went through it and he would stop and make a comment on a portion of it, and he made his corrections, it took him quite a while.

Q How many comments did he make?

A He corrected four statements and then made one, he made a comment on another section of the memorandum where it said he had seen Shaw twice, and then he responded to my final question --

Q In other words, it took him a long time to make his four corrections and one comment. Is that your testimony?

A It took him quite a while to read the memorandum, sir.

Q You said you discussed it, did you discuss it at the time he was reading it?

A No, we were not discussing, we were not discussing the memorandum, I mean, he made the comment to me, he sat there and read it and made the comments on the four

Reference copy, JFK Collection: HSCA (RG 213)

W3/P10

69

corrections that he wished to make.

Q The twice should have been three times, is that your testimony?

A Yes, and then his response to my final question, I asked him only one question.

Q One question the entire day?

A Only one question about the entire memorandum.

Q One question about this memorandum that you felt so critical, is that what your testimony is?

A Yes.

Q When was the question posed?

A Right at the end when he finished reading it.

Q As a matter of fact, weren't you going out the door?

A No, sir.

Q How long before you left was it before you posed this question?

A Oh, probably five or ten minutes, merely a general conversation.

Q Five or ten minutes. Is that correct?

A Yes.

Q Now, did you consider this question a very essential part of what you were up there for?

Reference copy, JFK Collection: NSCA (RG 233)

V3/P11

70

1 A Yes.

2 Q And you waited that long to pose the question?

3 A I could not pose it until he read the memoran-  
4 dum.

5 Q But you gave it to him toward the end of your  
6 interview?

7 A Yes.

8 Q Isn't it a fact, Mr. Phelan, that Perry Russo  
9 never denied telling you that in fact he  
10 did tell Mr. Sciambra about this party  
11 or meeting or conspiratorial meeting?

12 A His whole comment was what I testified to.

13 Q Well, tell me what that is again.

14 A He said when he hit that line, when he hit the  
15 line that I underlined, he said "I should  
16 have said three times, and I am usually  
17 pretty careful about what I say," and he  
18 started to shrug and he said, "But maybe  
19 I said only twice," and then went on  
20 reading the rest of the memorandum.

21 Q I see. Now, what was the question that you  
22 asked him, is that the question?

23 A Oh, no, no.

24 Q Go on with the question. What was the question?

25 A When he finished?

Reference copy, JFK Collection: HSCA (NY 233)

W3/P12

71

1 Q Right.

2 A And I said "Other than the corrections that you

3 have made, is the memorandum accurate,"

4 and he said "Yes," and I said "And you

5 first told about the assassination plot

6 when, Perry," and he said "After I went

7 down to New Orleans."

8 Q Now, did you ask him to explain when he cor-

9 rected the twice to three times, did you

10 ask him to explain that?

11 A No.

12 Q You didn't ask him any questions?

13 A No.

14 Q You weren't interested?

15 A When I got there, when he finished reading the

16 memorandum, I asked him the critical

17 question, and I had my answer.

18 Q And you had your answer.

19 A Yes.

20 Q Now, when did you start writing this article

21 for the Saturday Evening Post?

22 A About two or three days after I had the inter-

23 view with Mr. Russo.

24 Q Did you consider his statement to your last

25 question highly important and critical?

Reference copy, JFK Collection, HSCA (JCS 213)

W3/P13 1

A Simply confirmed what was in the memorandum.

72

2 Q Did you consider it highly important and  
3 critical that in effect he said that  
4 Sciambra was a liar?

5 A I don't understand the question.

6 Q In other words, Mr. Sciambra assured you before  
7 you left while he was making arrangements  
8 for you to see Mr. Russo that Mr. Russo  
9 had in fact told him about the party or  
10 the gathering where the plot was hatched.  
11 Is that correct?

12 A Yes.

13 Q All right. Now, you say Russo said that the  
14 first time he mentioned anything about it  
15 was in New Orleans. Is that correct?

16 A Yes.

17 Q Now, my question is did you not think that this  
18 was in effect saying that Mr. Sciambra  
19 was a liar if he said otherwise?

20 A Yes.

21 Q All right. Now, how many words was your  
22 article, do you recall?

23 A Oh, probably around 6,000.

24 Q Would say that is an article critical of the  
25 investigation?

Reference copy, JFK Collection: HSCA (RG 213)

W3/P14

73

1 A I certainly do.

2 Q Now, do you have mentioned in that article  
3 anywhere where Russo in effect called  
4 Mr. Garrison a liar and Mr. Sciambra a  
5 liar?

6 A No.

7 Q You don't mention that in your article?

8 A That Russo called him a liar?

9 Q In effect by making the statement that the first  
10 time that he mentioned anything about the  
11 plot was in New Orleans.

12 MR. DYMOND:

13 We object to that, asking this witness to  
14 pass upon and interpret an article.  
15 If the State wants to introduce it,  
16 the article speaks for itself.

17 MR. ALCOCK:

18 We are not introducing the article, Your  
19 Honor.

20 THE COURT:

21 I overrule the objection. I think it is  
22 legitimate cross-examination.

23 BY MR. ALCOCK:

24 Q Is there any reference in your article to  
25 Mr. Russo saying that he did not say that --

Reference copy, JFK Collection: HSCA (NG 233)

P15

74

he did not tell Mr. Sciambra in Baton Rouge anything about the meeting with Leon Oswald, the Defendant, and David Ferrie?

A No, sir, there is not.

Q There is not in your article anything about that?

A There is not.

Q Well, can you explain that for us?

A Why, certainly. It merely confirms what I learned from Mr. Sciambra's memorandum, and I made the statement in the article that Perry Russo had told two different stories and this information confirmed it, and I said it in small words in the article.

Q And you did not put in your article that Perry Russo confirmed that when you went to him in Baton Rouge?

A I did not.

Q And that is your explanation?

A Oh, you want an explanation?

Q I want an explanation as to why you did not put that critical thing in your article since your finding fault with Mr. Sciambra's

Reference copy, JFK Collection: HSCA (NG 233)



W3/P16

75

memorandum.

A Because the information that Mr. Russo gave me confirmed the accuracy of what I printed. Now, I talked to many people, I covered the whole range of the investigation, there was only a small portion of this devoted to the Sciambra memorandum, and it was simply an editorial judgment. We had confirmed the truth of what I was printing, and the article ran much longer than the space given for it, it had to be cut, it was put in the Post, and there was a matter that I had evidence of the statements that I made in the article and I kept this in reserve in case the article should be challenged or if we were to be sued, which we were not.

Q You kept what in reserve?

A The statement that Mr. Russo made in Baton Rouge.

Q And you relegated this most important memorandum to a small portion of your article. Is that your testimony?

A No, sir.

Q That is what you just testified to, was it not?

Reference copy, JFK Collection HSCA (RG 233)

1 A I said I had the -- to cover the entire inves-  
2 tigation in 6,000 -- this article is  
3 about the whole investigation, sir, and  
4 the background on it, my conversations  
5 with Mr. Garrison, and the background on  
6 the whole assassination story, and I had  
7 to tell quite a long story in 6,000 words.  
8 This is not an article about the Sciambra  
9 memorandum.

10 Q But this is a critical article of the investi-  
11 gation. Is that not your testimony?

12 A Indeed it is.

13 Q I see. And don't you, did you not deem this  
14 an extremely important and critical piece  
15 of evidence for your article?

16 A No, sir, it simply confirmed the statements  
17 that I made there.

18 Q Oh, I see. You had a time and space problem.  
19 Is that essentially it?

20 A No, that is not essentially it.  
21

22  
23  
24  
25  
NO HIATUS HERE

W4/P1

77

1 Q Did you not tell Mark Lane that you had a  
2 space problem?

3 A I don't what I told Mark Lane.

4 Q Would you deny it?

5 A Do I deny what?

6 Q That you made the statement to Mr. Lane that  
7 you had a space problem, that is why you  
8 left that critical piece of evidence out.

9 A I made that statement to you, sir.

10 Q Well --

11 A We had to cut the article.

12 Q So you had a space problem.

13 A Yes.

14 Q Now, Mr. Phelan, when you next saw Perry Russo,  
15 that would be in May, I think of 1967, for  
16 whom were you working?

17 A For National Broadcasting Company.

18 Q How long had you been working for the National  
19 Broadcasting Company?

20 A How long had I been?

21 Q Yes.

22 A I was hired for a specific White Paper docu-  
23 mentary that they were doing on the  
24 Garrison investigation.

25 Q Who hired -- Go ahead, I am sorry.

Reference copy, JFK Collection, NCA (NY 711)

W4/P2

78

1 A I worked five weeks.

2 Q You worked five weeks on that paper?

3 A Yes.

4 Q On the White Paper?

5 A Yes.

6 Q And who hired you for that?

7 A The producer.

8 Q Did you work with Walter Sheridan during the  
9 course of that?

10 A He was working on -- He was a part of the  
11 White Paper team and he was working on  
12 the same story, yes.

13 Q And what was the purpose of this White Paper?

14 A It was a report on the Garrison investigation.

15 Q A report on it or to wreck it?

16 A To report on it.

17 Q When you came to New Orleans and you were  
18 employed by NBC. Is that correct?

19 A The second time, yes.

20 Q Now, where did you stay when you came down  
21 here?

22 A At the Maison deVille.

23 Q Did you come down here with anyone?

24 A No, I came alone.

25 Q And what was your assignment in New Orleans when

Reference copy, JFK Collection: HSCA (NG 233)

W4/P3

79

you came down here?

A To explore the discrepancies in Mr. Russo's story.

Q To what?

A To explore the discrepancies in Mr. Russo's story.

Q Hadn't you already done that in Baton Rouge?

A Yes.

Q In other words, you still had that in reserve, that --

A No.

Q Had that been printed by that time?

A I did not understand the question.

Q I said did you still have that little piece of evidence in reserve at this time?

A Well, it still existed.

Q Now, did you work with anybody in this particular area, that is, exploring the statements of Perry Russo?

A I did not understand that question.

Q Did you work with anyone down here besides Mr. Freed, did he come down here with you?

A He was here.

Q Did you work with anyone?

A Mr. Freed and Mr. Sheridan.

Reference copy, JFK Collection: HSCA (RG 233)

4/P4

80

1 Q Do you know where they were staying at the  
2 time?

3 A I think they were staying at the Maison deVille  
4 -- excuse me, Mr. Freed was staying at the  
5 Maison deVille, Mr. Sheridan was staying,  
6 I believe, at the Bourbon Orleans.

7 Q Now, just what was your purpose in talking  
8 with Perry Russo?

9 A First of all, he invited me to come down here  
10 and he invited me to come here before I  
11 was employed by NBC. He said that -- I  
12 called him from New York after the  
13 article came out --

14 Q You called him?

15 A I called Mr. Russo, I called him at the sugges-  
16 tion of Mr. Matt Herron and Mr. Matt  
17 Herron had received a call from Perry Russo  
18 and he said "If Phelan is ever around  
19 here, I would like to see him," and he  
20 asked me if I would, he asked -- related  
21 the message through Mr. Herron for me to  
22 call him, so I called Mr. Russo, he told  
23 me that he thought it was a pretty good  
24 article I had written in the Post and he  
25 said he could not understand what all of

Reference copy, JFK Collection: HSCA (RG 233)

4/P5

81

the hullabaloo was about, and if I was  
ever down here to be sure and give him a  
ring and come and see him.

Q Did you remind him at the time that you had  
the statement from him in Reserve?

A I did not need to remind him, he knew it.

Q Had you heard of anyone by the name of Guy  
Bannister at that time?

A I heard about him later.

Q From whom did you hear about him?

A From Mr. Freed and Mr. Sheridan.

Q And where was that?

A Sir?

Q Where was that that you heard about it?

A Down here.

Q Was that on the same occasion?

A Yes.

Q In connection with this White Paper?

A Yes.

Q Had you ever heard of the name of James

Llewellyn before that time?

A No, sir.

Q When did you hear of the name of

James Llewellyn?

A When we were down here working on the White Paper.

Reference copy, JFK Collection: HSCA (RG 233)

W4/P6

1 Q Did you have a picture of either one or both of 82  
2 these men?  
3 A No, sir.  
4 Q You did not have a picture of them?  
5 A No, sir.  
6 Q Did you ever see a picture of either one or  
7 both of these men?  
8 A I saw one of -- one or two of Mr. Bannister,  
9 but I don't believe I saw any of  
10 Mr. Llewellyn, I might have.  
11 Q Did you show any pictures to Perry Russo during  
12 any of your interviews with him?  
13 A No, sir.  
14 Q None whatsoever?  
15 A No.  
16 Q Did you mention the name of Guy Bannister during  
17 any of your interviews with him?  
18 A Yes.  
19 Q For what purpose?  
20 A I told him that there was some speculation that  
21 perhaps the man that he had identified as  
22 Mr. Clay Shaw had actually been  
23 Mr. Bannister.  
24 Q And where did you hear this speculation?  
25 A From Mr. Sheridan and Mr. Freed.

Reference copy, JFK Collection: HSCA (RG 233)



W4/P7

83

1 Q And do you know where they got it from?

2 A No.

3 Q In other words, you suggested to this State  
4 witness that he was wrong and it might  
5 have been Mr. Bannister?

6 A Mr. Alcock --

7 Q Answer the question and then you can explain  
8 it.

9 (Whereupon, the question was read  
10 by The Reporter.)

11 THE WITNESS:

12 I would answer yes with a qualification.

13 BY MR. ALCOCK:

14 Q Go ahead.

15 A From the first time that I talked to Perry  
16 Russo until the day that I left, I re-  
17 peatedly told him over and over and over  
18 again that if his story that he had told  
19 at the preliminary hearing was true, that  
20 he should get up on the stand and tell it  
21 exactly the same way, and I never once  
22 suggested to Mr. Russo that he change his  
23 story. We discussed it, he was uncertain  
24 about himself, he was looking for other  
25 explanations, he was not certain of his

Reference copy.

/P8

84

identification of Mr. Shaw, and he was a

boy who was tortured and in real agony.

Q So why did you suggest Guy Bannister?

A Because of his similarity to Mr. Shaw.

Q You think there is a similarity? Have you ever  
see Guy Bannister?

A No, sir.

Q Now, did you ever mention the name of James  
Llewellyn to Mr. Perry Russo?

A No.

Q Did you ever tell Perry Russo that you would  
get him a lawyer in New York or a group of  
lawyers in New York?

A I told him that a lawyer would be provided for  
him, not that I would get him one.

Q Provided for him?

A Yes.

Q For what?

A When Mr. Russo, when I first talked to Mr. Russo  
from New York, one of the first things he  
stated to me was "everybody down here thinks  
that I ought to have a lawyer," he said  
"What do you advise" and I said that "I  
have only one piece of advice for you,  
Perry, that is to tell the flat out truth."

Reference copy, JFK collection: HSCA (RG 233)

P9

85

Now, when we came down here he raised the issue of a lawyer again, he thought he was in trouble, and he said he could not afford a lawyer.

Q And you would provide him with a lawyer?

A Not I would provide him, I will explain this --

Q NBC provide him?

A I don't know that, sir.

Q Well, who are you talking about?

A I relayed the information that Mr. Russo was interested in getting a lawyer to Mr. Freed, and Mr. Sheridan told me after Russo raised this and said he did not have enough money for a lawyer, he said that there was a well-known lawyer who would take his case without a fee, and this was what I was referring to when I spoke to Mr. Russo. Now, when I told him this I said, "Perry, you're going to have to do it yourself," I obtained the phone number of the lawyer, I said, "I can call the lawyer and I will tell him my name and I will say this is Mr. Russo and I will hand the phone to you and you will have to ask for his help."

Reference copy, JFK Collection: HSCA (Rg 213)

14/p10

86

1 Q What particular case had you suggested he need  
2 a lawyer for?

3 A Sir?

4 Q What particular case had you suggested that he  
5 needed a lawyer for?

6 A I did not suggest that he needed a lawyer, he  
7 told me that he thought he needed one.

8 Q Now, did you have occasion at any time you were  
9 talking to Perry Russo at this time for  
10 NBC to have any conferences with the De-  
11 fense Counsel in this case?

12 A Yes.

13 Q How often?

14 A Once.

15 Q Well where did this take place?

16 A Mr. Wegmann's office.

17 Q Who was present?

18 A Mr. Shaw.

19 Q Who else?

20 A Mr. Edward Wegmann, Mr. Dymond.

21 Q When was this, do you recall that?

22 A It was between one and three days after I  
23 came down here, it was the day after my  
24 initial conversation with Perry Russo when  
25 he said he wanted to see Mr. Shaw to check

Reference copy, JFK Collection HSCA (pg 211)

W4/P11

87

1 on his identification of him.

2 Q Did you have any other meetings with them?

3 A With whom?

4 Q With Defense Counsel.

5 A No.

6 Q Any telephone conversations with them?

7 A Not to my recollection.

8 Q Now, do you recall Perry Russo telling you  
9 anything about he wanted to be 1,000 per-  
10 cent sure other than 100 percent, do you  
11 recall anything like that?

12 A Absolutely not, never once.

13 Q You don't recall that at all?

14 A I do not.

15 Q How many times did you mention your ability to  
16 get Perry Russo a lawyer to him?

17 A Oh, we discussed it four or five times.

18 Q Four or five. Do you feel that is the most?

19 A He kept bringing the subject up.

20 Q Did you tell Perry Russo that if the Defendant  
21 were not convicted, he would be a patsy?

22 A Sir?

23 Q Did you tell Perry Russo that if the Defendant  
24 were not convicted, he would be a patsy?

25 A Yes.

Reference copy, JFK Collection: HSCA (RG 233)

1 Q You did ~~tell~~ him that?

2 A Yes, ~~he is~~ the man that made the accusation  
3 against Mr. Shaw, and if Mr. Shaw was  
4 ~~acquitted~~ -- this whole case rests on  
5 ~~Perry Russo~~.

6 Q And ~~that~~ Mr. Garrison would turn on him in the  
7 ~~event~~ the Defendant was acquitted?

8 A Yes, with an explanation.

9 Q Go ahead.

10 A Mr. Garrison told me in Las Vegas 10 or 12  
11 days before the hearing that he was going  
12 to get Dean Andrews, he did not -- he did  
13 not use the name, he said I'm going to get  
14 a lawyer who is a good friend of mine, and  
15 I am going to wreck him, and immediately  
16 after the Preliminary Mr. Andrews was  
17 arrested and I told Perry Russo that  
18 Mr. Garrison had a way of busting on any-  
19 body who didn't go along with his theories.

20 Q I see. And Dean Andrews was also indicted and  
21 convicted by a Jury. Is that correct?

22 MR. DYMOND:

23 Counsel well knows that conviction is on  
24 appeal at this time and that cannot  
25 be properly brought out as long as a

W4/P13

conviction is not final.

89

THE COURT:

The subject matter was opened by

Mr. Andrews himself and he stated to

the Jury he was convicted, and, as

I say, we are all aware of the fact

that he is appealing that conviction.

Mr. Alcock's question to Mr. Phelan,

is it not a fact that a Jury con-

victed Mr. Andrews, not Mr. Garrison.

MR. DYMOND:

I will ask that the question be read back.

(Whereupon, the question was read

by the Reporter.)

THE WITNESS:

I have no first-hand knowledge of

that.

BY MR. ALCOCK:

Q After your article appeared, do you recall

Mr. Sciambra inviting you down to New

Orleans?

A No.

Q You don't recall that?

A No, someone told me he got up on television and

said something about my coming down here

Reference copy, JFK Collection: HSCA (RG 233)

before the Grand Jury, but I received no communications from the Grand Jury, from Mr. Sciambra, from Mr. Garrison's office, although they all knew my business address in New York and my home address in California. When I came down here for NBC Mr. Sciambra had made this statement, the first thing I did was to let Mr. Garrison know I was in town. I was advised by Mr. -- by my lawyers not to come down here because of Mr. Garrison's ruthlessness with people who criticized him, but I came anyway, and the first thing I did was to go to Larry Lamarca at the Gunga Den, a long-time personal friend of Mr. Garrison's, I said, "Tell Big Jim I am in town," and I went to Pershing Gervais at the Fontainebleu and I said "Tell Big Jim I am in town and I am not hiding from anybody."

Q Did you interview anybody when you were down here for this NBC White Paper?

A One or two other people.

Q Can you recall their names?

A I talked to Layton Martens, I talked to a

Reference copy, JFK Collection: RFK (pg 233)



1 Marilyn -- I think it is Marcuso (?), she  
2 was identified to me as the former wife  
3 of Gordon Novell.

4 Q Anyone else?

5 A Not that I recall right now. Mr. Alcock, fur-  
6 ther on the matter of Mr. Sciambra inviting  
7 me to come down here where I would be in  
8 reach of the Grand Jury, Mr. Russo  
9 informed me, I think it was the second  
10 time that I saw him, that he had told  
11 Mr. Sciambra that I was in town, and  
12 Mr. Russo also told me that he knew my  
13 hotel and no one came around.

14 Q Did you know, as a matter of fact, that during  
15 the conversations with Perry Russo that  
16 you were being led on?

17 A Absolutely not.

18 MR. ALCOCK:

19 No further questions.

20 MR. DYMOND:

21 No further questions.

22 THE COURT:

23 You may step down.

24 MR. DYMOND:

25 You may step down, sir, that's all.

1 THE COURT:

2 Do you have any need for Mr. Phelan under  
3 the obligations of his subpoena?

4 MR. DYMOND:

5 No, sir.

6 THE COURT:

7 You are released from the obligations of  
8 the subpoena, sir.

9  
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NO HIATUS HERE

Reference copy, JFK Collection: HSCA (RG 233)

## CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

. . . . .  
STATE OF LOUISIANA

. 198-059

vs.

. 14:26 (30)

CLAY L. SHAW

. SECTION "C"  
. . . . .PROCEEDINGS IN OPEN COURT OF  
February 26, 1969*Jesse Gainer**16 pages (15 pages plus cover)*

B E F O R E :

THE HONORABLE EDWARD A. HAGGERTY, JR.,

JUDGE, SECTION "C"

**Dietrich & Pickett, Inc.**  
*Stenotypists*333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130 - 522-3111

Reference copy, JFK Collection: NSCA (RG 233)

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
JESSIE GARNER	2	13	15	--

...ooo...

Reference copy, JFK Collection: HSCA (RG 233)

AFTERNOON PROCEEDINGS

2

THE COURT:

As I understand it, some reporters have asked me, they have to get out about 5:00 o'clock to make a deadline, so at five minutes to 5:00 we will just stop the questioning and those that want to leave at five minutes to 5:00 can go out, we will just stop the questioning. We are not going to take a recess at that time.

Call your next witness.

MR. DYMOND:

We call Mrs. Jessie Garner, please.

JESSIE GARNER,

having been first duly sworn by the Minute Clerk, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. DYMOND:

Q Mrs. Garner, if you will, talk right into the end of the microphone and we won't have any trouble hearing you. Now, for the record, Mrs. Garner, would you please state your full name.

A My name is Mrs. Jessie Garner.

Reference copy, JFK Collection: HSCA (RG 233)

1 Q Mrs. Garner, what is your occupation?

2 A Housewife.

3 Q Are you married, Ma'am?

4 A Yes.

5 Q Where were you living, Mrs. Garner, during the  
6 summer months of the year 1963?

7 A Same address, 4911 Magazine Street.

8 THE COURT:

9 4911 Magazine?

10 THE WITNESS:

11 Yes.

12 BY MR. DYMOND:

13 Q Now, Mrs. Garner, the premises which you occupy,  
14 are there several apartments there?

15 A Yes, there is.

16 Q And what would be the addresses of the entire  
17 structure?

18 A Well, one is 4907, one is 4905, and there is  
19 two back apartments, 4905½.

20 Q I see. You say you were living there during  
21 the summer of 1963?

22 A I was.

23 Q Now, in what capacity were you and Mr. Garner  
24 living in that place? Did you own it or  
25 were you managing it, or what?

1 A No, we don't own it, we just managed it for  
2 a friend of ours.

3 Q To what use do they put the apartments other  
4 than the one that you and Mr. Garner  
5 occupy?

6 A What was that, sir?

7 Q To what use at that time were the other apart-  
8 ments being put, were they vacant or  
9 rented or what?

10 A No, they was all rented.

11 Q All rented?

12 A Yes.

13 Q Now, did you at any time, Mrs. Garner, have  
14 occasion to meet a man by the name of Lee  
15 Harvey Oswald?

16 A Yes, when he came to rent an apartment.

17 Q I believe it is "State 1," a photograph of  
18 Oswald.

19 MR. DYMOND:

20 I would like that other one with the beard  
21 on it.

22 BY MR. DYMOND:

23 Q Mrs. Garner, I show you a photograph which has  
24 been introduced into evidence and marked  
25 for identification "State 1," and I ask if

Reference copy, JFK Collection: HSCA (RG 233)

1                   you recognize this as a photograph of  
2                   Lee Harvey Oswald?

3       A       I do.

4       Q       I now show you another photograph which has  
5                   been marked for identification "State 19,"  
6                   it also being an item of evidence, and ask  
7                   you whether you ever saw Lee Harvey Oswald  
8                   with a beard such as indicated on this  
9                   photograph?

10      A       No, I haven't.

11      Q       Now, Mrs. Garner, when was the first time that  
12                   you saw Lee Harvey Oswald?

13      A       Well, it was the early part of May, 1963.

14      Q       And would you tell us how you happened to see  
15                   him, what were the circumstances of that  
16                   matter?

17      A       Well, he came by to rent the apartment and that  
18                   was the first time I ever saw him.

19      Q       Now, was he with anyone or by himself?

20      A       Yes, he was with about a middle-aged lady,  
21                   reddish hair.

22      Q       A middle-aged lady?

23      A       Yes, it seems like she knew the family because  
24                   she spoke to him like she knew him very  
25                   well.

Reference copy, JFK Collection: NSCA (RG 233)



1 Q And did you rent the apartment to him?

2 A Yes, I went to show him the apartment and she  
3 kept telling him "Yes, it would be very  
4 nice for you and your family," and final-  
5 ly he decided to take it.

6 Q Now, Mrs. Garner, did you later come to know  
7 Lee Harvey Oswald's wife?

8 A Well, just by seeing her all day and stuff like  
9 that, but I did not know her real good.

10 Q Was that the same lady who had come with him  
11 to rent the apartment?

12 A No.

13 Q Now, approximately how long after he rented the  
14 apartment from you did his wife Marina  
15 Oswald appear on the scene?

16 A About a week later.

17 Q About a week later?

18 A Yes.

19 Q Now, after she appeared, did they occupy this  
20 apartment together?

21 A Yes, they did.

22 Q Did they have any children, to your knowledge?

23 A One.

24 Q Could you tell us approximately how old the baby  
25 was?

Reference copy, JFK Collection: NSCA (RG 233)

1 A Oh, I really would not know.

2 Q Was it a little, small baby, or a half-grown  
3 child, or what?

4 A No, it was walking around.

5 Q Now, when Mrs. Oswald appeared on the scene,  
6 do you know whether she came alone or with  
7 someone?

8 A Well, I did not see when she came in, but I did  
9 see a station wagon out in front where Mrs.  
10 Paine took her back, took her to New  
11 Orleans.

12 Q Now, do you know after Mrs. Paine came, did Mrs.  
13 Paine stay there with them or else where?

14 A She stayed a few days.

15 Q A few days?

16 A Yes, right there with them.

17 Q Did you come to know Mrs. Paine?

18 A No, I did not.

19 Q Now, approximately how long did Lee Harvey  
20 Oswald occupy this apartment, Mrs. Garner?

21 A Well, it was the early part of May until about  
22 the middle part of September.

23 Q I see. Now, during that period, approximately  
24 how long would you see, how often would  
25 you see Lee Harvey Oswald?

Reference copy, JFK Collection: HSCA (RG 233)

1 A Well, I would see him maybe once a week cross-  
2 ing the street to get a bus and then when  
3 I would go get my rent from him.

4 Q You would see him about once a week, you say.  
5 Is that correct?

6 A Yes.

7 Q Did you ever see him with a beard on?

8 A No, I never did.

9 Q Now, with regard to his general appearance,  
10 was he a dirty-looking person or was he a  
11 neat-looking person?

12 A No, he was very neat.

13 Q Did you ever see him when he looked dirty and  
14 unkempt?

15 A Never did.

16 Q Now, if you don't know this of your own  
17 personal knowledge don't answer it, Mrs.  
18 Garner, but do you know whether or not  
19 Lee Harvey Oswald ordinarily spent his  
20 nights at home there?

21 A I really would not know.

22 Q You don't know?

23 A No.

24 Q To your knowledge, did he ever do any  
25 travelling while he was living at your

Reference copy, JFK Collection: ESCA (RG 233)

place?

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NARA VSU DATE 10/19/93

9

A I would not know.

Q Now, Mrs. Garner, the gentleman with the white hair sitting to my right is Mr. Clay Shaw, the Defendant in this case. Did you at any time see Mr. Shaw with Lee Harvey Oswald?

A I never had seen him before, until he showed up on the papers and TV, I never heard of him.

Q Is this the first time that you ever saw him in person?

A In person, Friday, rather, Friday when I was here.

Q Now, before Mr. Shaw was charged in this case, had you ever heard of him?

A No.

Q Had you ever heard Lee Harvey Oswald mention his name?

A No, I never talked to him that much.

Q I would like to have Ferrie's picture, please. Mrs. Garner, I show you a photograph which has been marked for identification "State 3," being a photograph of the late David Ferrie, and I ask you whether

Reference copy, JFK Collection: NSCA (RG 233)

1                   you have ever seen that man in your life,  
2                   to your knowledge.

3     A     Yes, I did.

4     Q     You did?

5     A     Yes.

6     Q     Where did you see him?

7     A     In my house.

8     Q     In your house?

9     A     Yes.

10    Q     When was that?

11    A     It was either the same day that happened that  
12           President Kennedy got killed or the  
13           following day, he come in and he rang the  
14           bell and opened the door and there was  
15           some --

16    MR. ALCOCK:

17           I object to anything said, Your Honor.

18    THE COURT:

19           It is objectionable, of course.

20    BY MR. DYMOND:

21    Q     You may not say what anybody said to you,  
22           but I wish that you would tell us the  
23           circumstances under which you saw this man.

24    A     Well, I could say about him coming home?

25    Q     Yes, you can say about that.

Reference copy, JFK Collection: HSCA (RG 233)

1 A I don't know if it was the same night or the  
2 following night, as soon as it happened,  
3 there was so many coming in and out, I  
4 opened the door because I thought he was  
5 a Secret Service man or something, I don't  
6 know, so as I walked in he says to me --

7 MR. ALCOCK:

8 Objection, Your Honor.

9 MR. DYMOND:

10 You can't say what he said.

11 THE WITNESS:

12 I can't say what he said?

13 BY MR. DYMOND:

14 Q Was he with anyone or by himself?

15 A He was alone.

16 Q And how long did he stay there?

17 A A few minutes, and when I found out he was not  
18 somebody important, I just asked him to get  
19 out.

20 Q You asked him to get out?

21 A Yes.

22 Q Is that the only --

23 A Well, what I am trying to say, when I found out  
24 he was not an FBI man, I just asked him to  
25 leave.

Reference copy, JFK Collection: NSCA (RG 233)

1 Q I see. Now, do you recall whether this was  
2 the evening of the assassination or the  
3 evening after the assassination?

4 A I don't really know, but I do think it was the  
5 same night or the following night.

6 Q The same night or the following night?

7 A It was in the evening, late after dark.

8 Q Now, Mrs. Garner, do you know when Mrs. Oswald  
9 left the home that you had rented to her,  
10 that is, Marina Oswald?

11 A I don't -- she left about the middle part of  
12 September, it was between the 21st, about  
13 the middle part of September, it was be-  
14 tween the 21st and the 23rd.

15 Q I see. Now, at the time that she left, did  
16 Lee Harvey Oswald leave too or did he stay  
17 there?

18 A He did not leave right away, he left that night.

19 Q Was it the same night?

20 A The same night.

21 Q And did you ever see him again after that?

22 A No, I did not.

23 Q Now, Mrs. Garner, do you know whether Lee Harvey  
24 Oswald was living in your apartment during  
25 the entire month of September -- August,

Reference copy, JFK Collection: NSCA (RG 233)

1 1963?

2 A Yes, he was.

3 Q Do you know whether he was living there during  
4 the entire month of July, 1963?

5 A He was, I used to see him going back and forth,  
6 catching the bus.

7 Q How often would you see him catching the bus?

8 A At least once a week, maybe more, a little  
9 more. I used to see him catching the bus  
10 because he used to come around the back  
11 part of the house, past the dining room  
12 where the garbage was, away and --

13 Q Do you know whether Lee Harvey Oswald was  
14 living in your house up until the latter  
15 part of September, 1963?

16 A Up until between the 21st and 23rd.

17 Q He was living there?

18 A Yes.

19 MR. DYMOND:

20 We tender the witness.

21 CROSS-EXAMINATION

22 BY MR. ALCOCK:

23 Q Mrs. Garner, did you have many conversations  
24 with Lee Harvey Oswald?

25 A Not too many.

Reference copy, JFK Collection: RFK (Rg 233)



1 Q Did he appear to you to be a talkative person?

2 A No, he was not.

3 Q Did you ever have any disagreements with him?

4 A No, not -- yes, one time, one time.

5 Q And after that time, did you have many conver-  
6 sations with him?

7 A No, just except when I went for my rent.

8 Q Mrs. Garner, did he pay the rent in cash or by  
9 check?

10 A Cash.

11 Q And what was the rent?

12 A \$65.00.

13 Q \$65.00 a month?

14 A Yes.

15 Q Mrs. Garner, after Lee Oswald left, did you have  
16 occasion to go into the apartment?

17 A Well, after he left, I was sure that he was not  
18 coming back, I went in.

19 Q And what was the condition of the apartment?

20 A Dirty.

21 Q In what respects?

22 A Well, everything was broken, the icebox door was  
23 broken, the mattress was all messed up,  
24 the stove was broke, stuff like that.

25 Q Was it in a generally dirty condition?

1 A Well, it was clean when he got it.

2 Q No, when you went in after he left, was it in  
3 a generally dirty condition?

4 A It was dirty, plenty dirty.

5 MR. ALCOCK:

6 No further questions.

7 REDIRECT EXAMINATION

8 BY MR. DYMOND:

9 Q One question. Mrs. Garner, did Lee Harvey  
10 Oswald pay his rent promptly?

11 A The first month he did and after that I had to  
12 go after him.

13 MR. DYMOND:

14 That's all.

15 THE COURT:

16 Have you any further need of Mrs. Garner?

17 MR. DYMOND:

18 No, sir.

19 THE COURT:

20 You are released from the obligations of  
21 the subpoena, Mrs. Garner.

22

23 ...oOo...

24

25

Reference copy, JFK Collection: HSCA (NS 233)

## CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.....	.	
STATE OF LOUISIANA	.	198-059
vs.	.	14:26(30)
CLAY L. SHAW	.	SECTION "C"
.....	.	

PROCEEDINGS IN OPEN COURT OF  
February 26, 1969

*Testimony of Lt. Edward O'Donnell*

B E F O R E :

THE HONORABLE EDWARD A. HAGGERTY, JR.,  
JUDGE, SECTION "C"

Dietrich & Pickett, Inc.  
*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130 - 522-3111

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
LT. EDWARD O'DONNELL	4	8	--	--

Reference copy, JFK Collection: HSCA (RG 233)

AFTERNOON PROCEEDINGS

MR. DYMOND:

We call Lieutenant Edward O'Donnell.

MR. ALCOCK:

In connection with the testimony of the next witness, Your Honor, I would respectfully request the Court, since it only encompasses ten pages, to read the testimony of Perry Russo relating to this testimony, and perhaps we can do away with this stop, stop, stop and start.

THE COURT:

Let me understand what the situation is. You may understand what it is, but I don't.

MR. ALCOCK:

As I appreciate the testimony of this witness, Your Honor, is to be for impeachment purposes relative to certain statements Perry Russo allegedly made to him, which questions were asked of Perry Russo when he was on the witness stand and he responded to -- the State feels that he respond-

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3

ed affirmatively to every one of  
them. Now, it only encompasses ten  
pages of the transcript and I would  
respectfully request of the Court to  
read that over before this witness  
takes the stand so we would not have  
to stop after each question and allow  
the Court to read the question pro-  
pounded to Mr. Russo and his reply,  
and I have the pages marked.

MR. DYMOND:

We certainly have no objection.

THE COURT:

From 447 --

MR. DYMOND:

447 through about 457.

THE COURT:

If some persons want to leave now, Sheriff,  
you can let them leave now.

Let's see if Lieutenant O'Donnell is  
available.

THE SHERIFF:

He is outside.

THE COURT:

All right.

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1 MR. ALCOCK:

2 I submit to the Court having read those  
3 pages, that the witness did distinctly  
4 admit making the statement.

5 MR. DYMOND:

6 I don't really believe we can generalize  
7 on questions like that.

8 THE COURT:

9 Why don't you two gentlemen come into my  
10 chambers and I will show you what I  
11 am reading and let the Jury remain  
12 here.

13 (Whereupon, a recess was taken.)

14 AFTER THE RECESS:

15 THE COURT:

16 Call your witness, please.

17 LT. EDWARD O'DONNELL,

18 having been first duly sworn by the Minute Clerk,  
19 was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. DYMOND:

22 Q Lieutenant, if you will bend the microphone up  
23 towards your face a little, then you will  
24 be able to speak right into the end of it.  
25 For the record, Lieutenant O'Donnell, would

1                   you please state your full name.

2       A       My name is Edward Mark O'Donnell.

3       Q       What is your occupation, sir?

4       A       Police Officer, Lieutenant, Assistant Command-  
5                   ing Officer, Homicide Division, New  
6                   Orleans Police Department.

7       Q       How long have you been affiliated with the New  
8                   Orleans Police Department?

9       A       Seventeen years.

10      Q       Lieutenant O'Donnell, on or about June 19,  
11                   1967, did you have occasion to have a  
12                   conversation with Perry Raymond Russo?

13      A       Yes, I did.

14      Q       During the course of your conversation, did  
15                   you ask him why he had testified as he  
16                   did at the preliminary hearing which was  
17                   conducted in this proceeding?

18      A       Yes, I did.

19           MR. ALCOCK:

20                   What page are you on, Mr. Dymond?

21           MR. DYMOND:

22                   Page 449.

23       BY MR. DYMOND:

24      Q       Did he give you an answer to that question,  
25                   Lieutenant?



1 A Yes, he did.

2 Q What explanation did he give you?

3 A He stated that he had all intentions that when  
4 he came into the court for the preliminary  
5 hearing he was going to tell the truth,  
6 that when he got here and you started talk-  
7 ing to him and asked him questions, you  
8 turned him on, particularly when you got  
9 to the point when you asked him about did  
10 he believe in God, and he explained that  
11 this was a sensitive area with him, and to  
12 quote his own words, you turned him on,  
13 and he had at this time decided that he  
14 was going to bury you.

15 Q Bury me?

16 A Bury you.

17 Q During that same conversation, Lieutenant  
18 O'Donnell, did Perry Russo express any de-  
19 sire to know the entirety of Mr. Garrison's  
20 case against Mr. Shaw?

21 A Yes, he did.

22 Q Did he give you any reason for wanting to know  
23 the rest of the case?

24 A Yes.

25 Q What was that, sir?

7

1       **A**       He asked me if I could let him see the case  
2               which Mr. Garrison had against Mr. Shaw,  
3               and I asked him for what reason, and he  
4               said if he could see what kind of case  
5               Mr. Garrison had, it would help him to  
6               arrive at a decision to determine whether  
7               or not Mr. Shaw was involved in this  
8               particular matter, and I told Perry Russo  
9               that the only way he should arrive at this  
10              decision is to examine his own conscience  
11              and determine what the truth is, and then  
12              arrive at a decision, that he should not  
13              have to lean on the investigation, what  
14              Mr. Garrison has or does not have.

15       **Q**       Now, did you make these facts known to the  
16               District Attorney's Office?

17       **A**       Immediately after this interview with Perry  
18               Russo, I went upstairs and I spoke with  
19               Mr. Garrison and Mr. Alcock and I made this  
20               information pertaining to this interview  
21               to them available, to them, in fact I told  
22               them what happened, and the following day  
23               I made a typewritten report and I brought  
24               this upstairs to Mr. Garrison and gave him  
25               a copy of it.

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1 MR. DYMOND:

2 We tender the witness.

3 CROSS-EXAMINATION

4 BY MR. ALCOCK:

5 Q Lieutenant O'Donnell, did you make a tape  
6 recording of this interview with Perry  
7 Russo?

8 A No.

9 THE COURT:

10 You may proceed.

11 BY MR. ALCOCK:

12 Q Did you make a tape recording of this interview  
13 with Perry Russo?

14 A No.

15 Q When you were in the District Attorney's office  
16 in the presence of Mr. Barnes, Mr. Russo  
17 and Jim Garrison and Mr. Sciambra, did  
18 you repeatedly tell Perry Russo that you  
19 had made a tape of it?

20 A I asked him if he would like to hear a tape  
21 play-back of our conversation because at  
22 that time Perry Russo had denied that he  
23 ever told me that Clay Shaw was not at  
24 Dave Ferrie's apartment, and I told Perry  
25 Russo at that time "Would you like to hear

7  
1 a tape of our conversation" in an effort  
2 to reenforce Perry Russo into admitting  
3 the truth, not admitting the truth, but  
4 admitting to what he told me when I inter-  
5 viewed him, and hen I was in your office  
6 on that occasion Perry Russo had done a  
7 doubletake and denied that he ever told  
8 me this.

9 Q Did you repeatedly say that you had a tape re-  
10 cording of this conversation and he asked  
11 you "Let me hear the tape"?

12 A I asked him if he would like to hear the tape,  
13 and I don't have any tape. In fact, Mr.  
14 Sciambra asked me the same question --  
15 excuse me, before I left your office that  
16 afternoon, I told Mr. Sciambra I did not  
17 have any tapes.

18 Q Why did you keep asking Mr. Russo if he wanted  
19 to hear the tapes?

20 A I don't know how many times I asked him.

21 Q Why did you keep asking him that if you didn't  
22 have any tape?

23 A I just explained why.

24 Q But you had no tape. Is that correct?

25 A That is correct.

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1 Q How many reports did you make up of this con-  
2 versation?

3 A Oh, how many reports or how many copies of a  
4 report?

5 Q Well, how many copies?

6 A Four, five.

7 Q Four or five copies?

8 A Yes.

9 Q How many copies did you give to the District  
10 Attorney's office?

11 A I believe I gave them one copy.

12 Q Where is the original, where is the original  
13 now?

14 A The Chief of Police should have it.

15 Q And how many copies do you have?

16 A I have one copy.

17 Q One copy?

18 A Yes.

19 Q Where are the other copies?

20 A The Chief of Detectives should have one also.

21 Q Where are the rest of them?

22 A Excuse me?

23 Q Where are the rest of the copies?

24 A If that is four, I don't have any other copies.

25 Q Well, do you have a copy or not, Lieutenant?

1 A Do I have one? Yes, I have one.

2 Q You have one copy?

3 A Yes.

4 Q And you gave one to the District Attorney's  
5 office?

6 A Yes.

7 Q And Chief Giarusso has a copy or the original?

8 A I don't know if you got the original or whether  
9 the Superintendent got the original.

10 Q Now, ho else did you give a copy to?

11 A The Chief of Detectives.

12 Q Who is that, Morris?

13 A Yes.

14 Q Now, to whom else did you give a copy?

15 A No one else.

16 Q No one else?

17 A No.

18 Q Did you give a copy to anyone else?

19 A No one else.

20 Q You gave one copy to Chief Giarusso, one copy  
21 to Major Morris, and you have a copy. Is  
22 that correct?

23 A That is correct. Now, you have a copy.

24 Q And we have a copy.

25 A Correct.

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1 Q And you don't know where the original is?

2 A Either I gave you the original or the  
3 Superintendent has the original.

4 Q Now, you stated on direct examination that  
5 Perry Russo said he was going to tell  
6 the truth until, as you termed it, Mr.  
7 Dymond turned him on. Is that correct?

8 A This is what Perry Russo told me, yes.

9 Q He said the truth?

10 A Yes.

11 Q Is that in your memorandum?

12 A Oh, I can check my memo, I have a copy in my  
13 pocket.

14 Q Take a look at it, about the middle of page 2.

15 A You want me to read that part?

16 Q No, is the word "truth" in there as you testi-  
17 fied to?

18 A No, it is not.

19 MR. DYMOND:

20 If the Court please, we will ask that  
21 portion of it be read. I think if  
22 there is a synonym for "truth" in  
23 there, this Jury is entitled to know  
24 about it.

25 THE COURT:

1 But I can't tell him how to conduct his  
2 examination. He asked him for a  
3 very specific wording, not for a  
4 synonym. I overrule the objection.

5 BY MR. ALCOCK:

6 Q Is it a fact that during your conversation  
7 with Perry Russo he told you about being  
8 bombarded by newsmen such as Mr. Phelan,  
9 Mr. Sheridan, Mr. Townley and others?

10 A Oh, yes, during this conversation with Mr.  
11 Russo he stated he was under extreme  
12 pressure from the news media and from  
13 Jim Garrison.

14 Q He said Jim Garrison?

15 A Yes.

16 Q Is that in your report?

17 A No, it is not.

18 Q Why not?

19 A It is not in there.

20 Q Is there any reason why it is not in there?

21 A Oh, in the report it states that he is under  
22 pressure, but I did -- what he explained  
23 to me, well, I asked him for an explana-  
24 tion of what pressures and he explained  
25 that he was under pressure from the news-

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papers, the magazines, television and  
from Garrison's office.

Q But you did not put that in your report?

A It merely states that he stated he was under  
pressure.

Q This isn't a complete, then, account of what  
was said on that occasion, is it?

A Oh, word for word, no, it is not.

Q Just the essence of what was said or the high-  
lights of what was said?

A This is the essence of what was said, that is  
correct.

Q Do you recall making this statement during  
the interview in Mr. Garrison's office,  
or whatever office it took place in,  
"If necessary I will produce a tape of  
his conversation," can you recall that?

A Oh, it is possible I said that.

Q How could you say that if you had no tape?

A I explained my reason for that.

Q Well, I would like to hear your reason.

A Explain it again?

Q Yes.

A Because at that time Perry Russo had done a  
retake on what he had told me in my office

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15  
1 on June 19, while he was in my office on  
2 June 19 he told me Clay Shaw was not at  
3 Dave Ferrie's apartment.

4 Q Without qualification?

5 MR. DYMOND:

6 We are going to ask that the witness be  
7 permitted to finish.

8 THE COURT:

9 You have a right to give your explanation.

10 THE WITNESS:

11 The day that you, not you, but Mr. Sciambra  
12 falsely led me to come to the District  
13 Attorney's office under the pretense  
14 that I was to give a test to Perry  
15 Russo, when I got there this was not  
16 the motive for this meeting whatso-  
17 ever. I waited approximately one  
18 hour, finally Mr. Garrison and the  
19 other people who worked for him came  
20 into the office with Perry Russo, I  
21 was invited into this office, Mr.  
22 Garrison had his secretary taking  
23 notes of the conversation, everything  
24 that was said, and at this time Mr.  
25 Garrison asked me do I have a copy of

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1 the report which I gave to him, and I  
2 said "Not on me," and he said "Well,  
3 I don't have my copy, one of my  
4 assistants has it, he is out of town,  
5 can you get me a copy," which I did,  
6 I went downstairs to the Chief of  
7 Detectives' office and got a copy and  
8 brought it back upstairs, and Garrison  
9 asked me if I would let Perry Russo  
10 read my report, and I gave it to Perry  
11 Russo, and after Russo read the report  
12 he was asked is there anything in this  
13 report that is not true, and Perry  
14 Russo said "Most all of it is true,  
15 except I did not tell O'Donnell that  
16 Clay Shaw was not at this apartment,"  
17 this was in direct conflict with what  
18 Perry Russo had originally told me on  
19 June 19. In an attempt to reenforce  
20 Russo into telling the same thing which  
21 he told me when he and I were talking  
22 by ourselves, because he had already  
23 expressed a fear to me of being charged  
24 with perjury by Garrison, I made that  
25 statement relative to I had a tape, I

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do not have any tapes, there was no tape going in my office during the conversation I had with Russo.

BY MR. ALCOCK:

Q In other words, you were lying, you were lying at the time about a tape?

A Well, you have the notes of the conversation. I don't know whether I said I have a tape or I asked him would you like to hear a tape, Mr. Garrison's secretary was there taking these notes down.

Q I am going to -- I will let you read this particular statement attributed to you. Now, Lieutenant O'Donnell, I am going to show you a document which I will ask you to peruse and see if you recognize that document or what is depicted in the document, rather.

A What is the letter "R," what does it denote here, you have "G" and "R"?

Q Probably Russo, O for O'Donnell, S for Sciambra.

A All right (witness reading statement).

THE COURT:

The witness has apparently refreshed his

Reference copy, JFK Collection: NSCA (RS 233)

memory.

(The last question and answer was  
read by the Reporter.)

BY MR. ALCOCK:

Q Have you had an opportunity, Lieutenant, to  
read the memorandum?

A Yes, I did.

Q Does it refresh your memory or does it accurately  
reflect what you recall?

A Oh, it is pretty close to what occurred, yes.

Q Do you recall having made the statement that  
you did in fact have a tape?

A According to these notes which Mr. Garrison's  
secretary took, if that is a transcript  
of her notes, the notes state that I said  
"Would you like me to produce or I could  
produce a tape," and, as I said, I don't  
have a tape.

Q Do you recall reading on the first page, quoting  
you, "I taped the conversation with you,"  
do you recall making that statement?

A There was something said similar to this.

Q But that is not saying "I will produce a tape,"  
that is saying you actually had a tape and  
taped the conversation, isn't it?

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1 A I might have said this, I have no argument  
2 with that.

3 Q Now, Lieutenant O'Donnell --

4 THE COURT:

5 Let me interrupt you just a second. Now  
6 that we have covered that particular  
7 single legal item, I suspect after  
8 you finish your cross-examination,  
9 I suspect there may be redirect and  
10 recross, so I think this is a good  
11 time to take a recess.

12 It is about 22 or -- 22 minutes or so to  
13 6:00.

14 Let everybody have a seat, Gentlemen.

15 Gentlemen of the Jury, we are going to re-  
16 cess for the evening. Again I must  
17 instruct you and admonish you do not  
18 discuss the case amongst yourselves  
19 or with anyone else until it is  
20 finally turned over to you for your  
21 decision.

22 Let everybody have a seat, Sheriff.

23 Take charge of the Jury, if you will,

24 please, and let them be safely es-

25 corted and have them back here tomorrow

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morning at 9:00 o'clock.

(Whereupon, the Jury was removed.)

**THE COURT:**

I wish to make a statement, I want to make it out of the presence of the Jury.

First of all, you are excused, sir, and I ask you to come back tomorrow at 9:00. Do not discuss your testimony with any witness who has testified or any witness who is to testify. You may consult with your own attorney if you care to, and you are excused.

**THE WITNESS:**

Yes, Your Honor.

**THE COURT:**

Gentlemen of the news media, I was requested by Bill Reed and Bob Jones that after the afternoon session was over with, as it is now, and after the spectators have left, to place one of the exhibits up so that you could take a photograph of it. I told them I would do so when we take a recess. Will you get your photographers here as soon as possible and I will let you

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take a picture. I think they want a  
picture of the blown-up signature card.  
Mr. Shaw, you are released under your same  
bond.  
9:00 o'clock tomorrow, Gentlemen.

...oOo...

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002045

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.....  
STATE OF LOUISIANA

198-059

VS

14:26 (30)

CLAY L. SHAW  
.....

SECTION "C"

EXCERPT FROM THE PROCEEDINGS OF

THURSDAY, FEBRUARY 27, 1969, 9:00 A.M.

*Testimony of Lt. O'Donnell (continued)  
and Arthur Davis*

B E F O R E:

THE HONORABLE EDWARD A. HAGGERTY, JR.,

JUDGE, SECTION "C"

*11 pages*

Dietrich & Pickett, Inc.

*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130 - 522-3111

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I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
EDWARD O'DONNELL	--	D1	--	--
ARTHUR Q. DAVIS	D3	D6	--	--

Reference copy, JFK Collection: HSCA (RG 233)

. . . . Pursuant to the adjournment, the proceedings herein were resumed at 9:00 o'clock a.m. on Thursday, February 27, 1969, appearances being the same as heretofore noted in the record . . . .

THE COURT:

Lieutenant O'Donnell is resuming the stand.

Note for the record that the Defendant is present, all counsel are present, and I am reminding the witness that his previous oath is still binding.

All right. You may proceed, Mr. Alcock.

FURTHER CROSS-EXAMINATION

BY MR. ALCOCK:

Q Lieutenant O'Donnell, can you tell us the first time that you spoke to Defense Counsel in this case?

A Yes, sir. I can't give you the exact day but it was after the start of this trial, just a few weeks ago. I spoke with Mr. Wegmann.

Q And you had no contact with them through anyone prior to that time, to your knowledge?

A No, sir, I haven't.

MR. ALCOCK:

No further questions.

MR. DYMOND:

That is all, Lieutenant.

THE COURT:

Let me ask you gentlemen, is Lieutenant O'Donnell relieved from the obligations of his subpoena?

MR. ALCOCK:

Yes, Your Honor.

(Witness excused.)

THE COURT:

Call your next witness.

MR. DYMOND:

Your Honor, could we have just about three minutes with the Jury remaining in the box at this time? We don't need any longer than that.

THE COURT:

We will take a five-minute recess.

(Whereupon, a brief recess was taken.)

**AFTER THE RECESS:**

THE COURT:

Are you ready to proceed, Gentlemen?

4  
Yes, sir. We call Arthur Davis.

2 ARTHUR Q. DAVIS,

3 a witness called by and on behalf of the Defendant,  
4 having been first duly sworn, was examined and  
5 testified as follows:

6 DIRECT EXAMINATION

7 BY MR. DYMOND:

8 Q For the record, Mr. Davis, would you please  
9 state your full name.

10 A Arthur Quinton Davis.

11 Q What is your occupation, Mr. Davis?

12 A I am an architect.

13 Q And with what firm are you connected, sir?

14 A Curtis & Davis, Architects.

15 Q Mr. Davis, in connection with your business  
16 do you have occasion to do much travelling,  
17 and more particularly between here and  
18 New York City?

19 A Yes. I have an office in New York as well as  
20 New Orleans, and I make a trip once a week  
21 between New Orleans and New York.

22 Q (Exhibiting book to witness) Mr. Davis, I show  
23 you a book which has been offered in evi-  
24 dence and marked for identification "State-  
25 55." Directing your attention to the

5  
bottom of the page covering the dates  
between December 12 and December 14,  
1966, I ask you whether your signature  
appears therein.

2  
3  
4  
A Yes, the second from the bottom is my signature.

6  
7 Q And what is the bottom signature?

8 A The second signature from the bottom of the  
9 page is my signature.

10 Q And what is the name that appears directly  
11 below your signature, Mr. Davis?

12 A Clay Bertrand.

13 Q Now, Mr. Davis, do you recall having been  
14 at Moisant Airport on December 14, 1966?

15 A Yes, I checked my records and I did go to New  
16 York on that day.

17 Q Do your records indicate, or do you have any  
18 recollection, as to what time you left  
19 Moisant Airport or were at Moisant Air-  
20 port on that date?

21 A My records don't indicate that. To the best  
22 of my knowledge, it was somewhere mid-day.  
23 I know it wasn't the evening flight.

24 Q Mr. Davis, upon the occasion of your being at  
25 the airport on that date, did you have

6  
occasion to go in the VIP Room?

2 A Yes.

3 Q Were any other people in there when you were  
4 in there?

5 A This is the Eastern Airlines?

6 Q That is correct, yes.

7 A Yes, there were some other gentlemen in there.

8 Q Are you acquainted with this Defendant Clay  
9 Shaw?

10 A Yes.

11 Q How long have you known him, sir?

12 A Oh, I would think in excess of ten years.

13 Q Did you or did you not see Mr. Shaw in the  
14 VIP Room of Eastern Airlines on that date,  
15 December 14, 1966?

16 A No, I did not.

17 Q Now, Mr. Davis, in view of the length of time  
18 during which you have known Mr. Shaw,  
19 would you say that you are generally and  
20 reasonably familiar with his manner of  
21 dress?

22 A Well, as far as the occasions at which I have  
23 seen him, I would say that.

24 Q Would you term him a conventional, conservative  
25 dresser, or otherwise, sir?

A I don't think I have ever seen him in anything  
but a business suit.

Q More specifically, Mr. Davis, have you ever  
seen Mr. Shaw wearing noticeably tight  
trousers?

A No.

MR. DYMOND:

We tender the witness.

CROSS-EXAMINATION

BY MR. ALCOCK:

Q Mr. Davis, do you recall who you were with  
in the VIP Room on that day? Were you  
with anyone, sir?

A No, I was alone.

Q And you approximate this to be about midday,  
is that correct?

A Yes, but I am not actually sure of the time.

Q I see. Do you recall whether or not anyone  
else signed the book in your presence?

A No, no one else.

Q Do you recall whether or not the signature  
Clay Bertrand was in the book when you  
signed it?

A I am relatively sure that I was the last signa-  
ture when I signed.



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Q Did you see anyone sign the book after you signed it?

A No.

MR. ALCOCK:

May I have the book, please?

BY MR. ALCOCK:

Q (Exhibiting book to witness) Mr. Davis, calling your attention to State Exhibit 55, the exhibit from which you just identified your signature, I call your attention to the four names that precede yours, dated on 12/14/66, and I ask you if you know any of those other persons.

A No.

Q Calling your attention to the remaining signature on 12/14/66, do you know any of those persons?

A No.

Q Do you recall whether or not the book or the lines were filled all the way up until the line that you signed on, on that occasion?

A I would assume that they would have been although I can't say definitely. I usually would sign the next line that

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1 open.

2 Q You made a practice, Mr. Davis, of signing  
3 the VIP book when you go into that room?

4 A No, not usually.

5 Q Approximately how long did you remain in the  
6 room on that day?

7 A Well, that is quite some time ago, but if I  
8 had to guess -- I usually get out to the  
9 airport a little early and I use that room  
10 to make phone calls, there is a private  
11 phone -- I would guess anywhere from 20  
12 minutes to a half hour.

13 Q And you don't recall seeing anyone sign the  
14 book while you were there, other than  
15 yourself? Is that correct?

16 A No.

17 MR. ALCOCK:

18 No further questions.

19 MR. DYMOND:

20 That is all, Mr. Davis.

21 THE COURT:

22 Is Mr. Davis excused from the obligations  
23 of the subpoena?

24 MR. DYMOND:

25 He is.

(Witness excused.)

MR. DYMOND:

Your Honor, at this time we would like  
to call the Defendant Clay L. Shaw.

NO HIATUS HERE.

Reference copy, JFK Collection: HSCA (RG 233)

**COPY** 002047

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.....	.	
STATE OF LOUISIANA	.	198-059
vs.	.	14:26 (30)
CLAY L. SHAW	.	SECTION "C"
.....	.	

EXCERPT FROM THE PROCEEDINGS OF  
THURSDAY MORNING, FEBRUARY 27, 1969

*Testimony of Clay Shaw*

B E F O R E :

THE HONORABLE EDWARD A. HAGGERTY, JR.,  
JUDGE, SECTION "C"

*82 pages*

Dietrich & Pickett, Inc.

*Stenotypists*

333 ST. CHARLES AVENUE SUITE 1001  
NEW ORLEANS, LOUISIANA 70130-1001

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
CLAY L. SHAW	2	29	--	--

E X H I B I T S

<u>EXHIBIT NO.</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>RECEIVED</u>
S-73	33	34	34
S-74	49	--	--
S-75	49	--	--
S-76	49	--	--

CLAY L. SHAW,

the Defendant herein, having been first duly sworn,  
was examined and testified as follows:

DIRECT EXAMINATION

BY MR. DYMOND:

Q Mr. Shaw, for the record, please state your  
full name.

A Clay L. Shaw.

Q And you are the Defendant in these proceedings,  
is that right, Mr. Shaw?

A Yes, I am the Defendant.

Q What is your age, Mr. Shaw?

A I am 55 years old.

Q Now, what is your educational background, Mr.  
Shaw? What education have you had?

A I am a graduate of high school, I finished  
Warren Easton High School in 1928.

Q Did you attend college subsequent to that?

A No, I did not.

Q After finishing high school, what did you do  
by way of occupation?

A I worked for a period for the Western Union  
Telegraph Company here in New Orleans.  
Later I was transferred by them to New  
York where I worked for them for some

1 years.

2 Q In what capacity was that, Mr. Shaw?

3 A I was a district manager for them, I managed  
4 some 30 or 40 branch offices in Mid-  
5 Manhattan.

6 Q And after that, sir?

7 A I was in the public relations and advertising  
8 business for several years, and then went  
9 into the Army in New York.

10 Q And in what year did you go into the Army,  
11 sir?

12 A 1942.

13 Q And until what year did you remain in the Army?

14 A Until late 1945.

15 Q What was the nature of your discharge from  
16 the Army, Mr. Shaw?

17 A An honorable discharge.

18 Q Now, subsequent to your Army service, what  
19 did you then do?

20 A I returned to New Orleans where a group of  
21 businessmen were planning to found an  
22 international trade center. I talked to  
23 this group and was offered the job as  
24 Managing Director of the International  
25 Trade Mart.

1 Q Did you accept that job?

2 A Yes, I did.

3 Q And how long did you remain in that job, Mr.  
4 Shaw?

5 A Nineteen years.

6 Q Until what year, sir?

7 A Until October 1, 1965.

8 Q And under what conditions did you leave that  
9 job, that is, was it voluntarily or  
10 otherwise?

11 A Oh, completely voluntarily, I resigned be-  
12 cause I had other things I wanted to do.

13 MR. DYMOND:

14 May I have the photographs of Oswald and  
15 Ferrie?

16 (Documents handed to Counsel by  
17 the Clerk.)

18 BY MR. DYMOND:

19 Q (Exhibiting photograph to witness) Mr. Shaw,  
20 I show you a photograph which has been  
21 introduced in evidence and marked for  
22 identification "State 1," purporting to  
23 be a photograph of the late Lee Harvey  
24 Oswald, and ask you whether you have ever  
25 seen this man in person?



1 A No, I never have.

2 Q Have you ever, to your knowledge, been ac-  
3 quainted with this man? Have you ever  
4 talked to him?

5 A No, I never have.

6 Q Have you ever had any telephone conversations  
7 with him?

8 A No.

9 Q (Exhibiting photograph to witness) I now show  
10 you a photograph which has been marked  
11 "S-19" and introduced in evidence, pur-  
12 porting to be a photograph of Lee Harvey  
13 Oswald, on which has been put a beard,  
14 apparently in pencil, and I will ask you  
15 whether you recognize that individual  
16 from having ever seen him personally?

17 A No, I have never seen him.

18 Q To your knowledge, have you ever known this  
19 man?

20 A No, I have not.

21 Q (Exhibiting photograph to witness) I now show  
22 you, Mr. Shaw, a photograph which has  
23 been marked for identification "State 3"  
24 and introduced in evidence, purporting to  
25 be a photograph of the late David W.

1                    Ferrie, and I will ask you whether you  
2                    have ever known this man?

3        A        No, I never have.

4        Q        Have you ever seen this man in person?

5        A        No.

6        Q        Have you ever had a telephonic conversation  
7                    with this man?

8        A        No, never.

9        Q        Now, Mr. Shaw, prior to these proceedings  
10                    and the things preliminary thereto, have  
11                    you ever known a person by the name of  
12                    Perry Raymond Russo?

13        A        No, I have never known Perry Raymond Russo.

14        Q        Have you evern been to any party with this  
15                    man, where he was present?

16        A        No, I never have.

17        Q        Have you ever had any social or business con-  
18                    nection with him?

19        A        No, never.

20        Q        Have you ever been acquainted with him?

21        A        No, I have not.

22        Q        Now, Mr. Shaw, of course while you were in  
23                    the Military Service I would assume you  
24                    wore the regular uniform? Is that cor-  
25                    rect, sir?

1 A Yes, I did.

2 Q Since being discharged from the Military  
3 Service, have you ever owned a hat?

4 A No, I have not.

5 Q Have you ever worn a hat?

6 A No, I have not.

7 Q Do you own a hat at the present time?

8 A No, I do not.

9 Q Mr. Shaw, have you ever been in the Town of  
10 Clinton, Louisiana?

11 A I have never been to Clinton, Louisiana.

12 Q Do you have any relatives who live there?

13 A Yes, I have a first cousin, who is married  
14 to a Mr. Yarborough, and they live in  
15 Clinton.

16 Q You say you personally have never been there?

17 A I have never been there.

18 Q Have you ever visited with this cousin else-  
19 where?

20 A Oh, yes, I have seen them in Kentwood, which  
21 is where our family come from, at  
22 funerals and things of this sort, but  
23 I have never been to Clinton.

24 Q Now, Mr. Shaw, are your mother and father  
25 alive at this time?

1 A My mother is living, my father is dead.

2 Q When did your father die, sir?

3 A November 25, I believe, 1966.

4 Q Now, Mr. Shaw, where did your mother and  
5 father reside while they were both  
6 living?

7 A They lived when he was alive in Hammond,  
8 Louisiana.

9 Q And where is your mother living now?

10 A She still lives in the same house in Hammond.

11 Q Mr. Shaw, have you ever owned a black  
12 Cadillac?

13 A No, I never have.

14 Q Have you ever owned a Cadillac?

15 A No, I have never owned a Cadillac.

16 MR. DYMOND:

17 May I have the photograph of this auto-  
18 mobile?

19 (Photograph handed to Counsel  
20 by the Clerk.)

21 BY MR. DYMOND:

22 Q (Exhibiting photograph to witness) Mr. Shaw,  
23 I show you a photograph which has been  
24 marked for identification "State 2," and  
25 ask you whether you recognize the auto-

mobile depicted therein.

A The car is similar to one that was owned by Mr. Jeff Biddison, who is a friend of mine, but I cannot say with authority that it is or is not.

Q Have you ever owned an automobile similar in appearance to the automobile depicted in this photograph?

A No, I never have.

Q Now, Mr. Shaw, you have testified that that automobile appears to be similar to the one owned by Mr. Biddison. Did you ever borrow from Mr. Biddison the automobile which he had, which was similar in appearance to the one depicted in that photograph?

A Yes, I have.

Q When was that, if you recall, sir?

A In the fall of 1966.

Q During the year 1963 did you ever borrow that automobile from Mr. Biddison?

A No, I did not.

Q At that time did you own an automobile?

A I did.

Q What kind was it, sir?

1 A It was a black Thunderbird convertible.

2 Q Would you say that it was similar in appear-  
3 ance to the automobile the picture of  
4 which I have shown you?

5 A Not at all.

6 Q Now, Mr. Shaw, referring to the period from  
7 July into October of 1963, where were  
8 you employed at that time, sir?

9 A I was Managing Director of the International  
10 Trade Mart here in New Orleans.

11 Q Now, as Managing Director what were normally  
12 your duties there at the Trade Mart?

13 A The managing of the building, the promotion  
14 of trade, the handling of the various  
15 activities that the Trade Mart undertook.  
16 In general, I supervised the operations  
17 of the building and the institution.

18 Q Now, was there anything unusual about the  
19 duties which you had during the period  
20 from July 8 until approximately October 8,  
21 1963?

22 A Yes, there was. We were planning to build a  
23 new International Trade Mart, which has  
24 now been built. To do this it was neces-  
25 sary we issue bonds which a New York

1 syndicate was to buy. A condition of  
2 their buying these bonds, however, was  
3 that during the period of approximately  
4 July 8 to October 8 in 1963, we had to  
5 obtain from potential tenants offers to  
6 lease totalling an annual income of  
7 \$1,425,000.00 a year, and this we had  
8 to do within a period of 90 days.

9 Q Now, had you not succeeded in doing that,  
10 what would have been the result?

11 A Had we not succeeded in doing that, there  
12 would be no Trade Mart now at Canal  
13 Street and the River.

14 Q Now, what was the nature of the work load as  
15 a result of your being obliged to do  
16 this within that given period, Mr. Shaw?

17 A It was extremely heavy; I have never worked  
18 harder in my life than I did those three  
19 months, and I have had some hard jobs.

20 Q During that time, Mr. Shaw, that is, the period  
21 which you have mentioned, did you take any  
22 trips out of New Orleans?

23 A To the best -- yes, I went to Hammond on one  
24 occasion I recall.

25 Q What was that occasion?

1 A My father was not well, and in late September  
2 I went one day to Hammond to visit with  
3 him.

4 Q Now, on that one day did you have any contact  
5 with your office here in New Orleans?

6 A Yes, my secretary telephoned me in Hammond  
7 at my parents' house on that day concern-  
8 ing a business matter.

9 Q Now, on that day did you have occasion to go  
10 to any other town than Hammond, with the  
11 exception of the towns which would be on  
12 the way to Hammond?

13 A No, I did not.

14 Q Now, how did you get to Hammond upon that  
15 occasion, Mr. Shaw?

16 A I do not recall exactly. Sometime I went by  
17 train, there was an early morning train;  
18 sometime I drove; I could not tell you now  
19 six years later which way I went to  
20 Hammond on that particular day.

21 Q Now, other than that trip, did you take any  
22 trip out of New Orleans between July 8  
23 and August 8, 1963?

24 A To the best of my recollection, no.

25 Q During that period, Mr. Shaw -- and with the



exception of this one day that you went to Hammond -- were you absent from your job at the Trade Mart on any work day?

A No, I was not.

Q And how many days a week were you working, Mr. Shaw?

A The average work week was Monday through Friday. However, during this extremely busy period there were a number of Saturdays when I worked as well.

Q Did Mr. Lloyd Cobb have anything to do with this work?

A Mr. Lloyd Cobb was then the President of International Trade Mart, it was ultimately his responsibility, and he supervised and directed all of our activities during this period.

Q Now, what was the nature of your contact with Mr. Cobb during this period?

A Mr. Cobb and I were in very close touch at least once a day either by telephone or by actual personal conference.

Q Now, Mr. Shaw, do you recall the witness Charles I. Spiesel who testified for the State?

1 A Yes, I recall Mr. Spiesel.

2 Q To your knowledge, prior to his testifying  
3 had you ever seen that man before in  
4 your life?

5 A No, never.

6 Q Have you ever been in attendance at a party  
7 where he was, in your life, to your know-  
8 ledge?

9 A No.

10 Q Now, I assume, Mr. Shaw, that you heard Mr.  
11 Perry Raymond Russo's testimony, did you  
12 not, sir?

13 A Yes, I did.

14 Q Have you ever been at a party or a meeting  
15 where Perry Raymond Russo was?

16 A I have not.

17 Q Have you ever been at a party or a meeting  
18 where David Ferrie was? I have shown  
19 you his photograph.

20 A Yes. I have not.

21 Q Have you ever been at a party or a meeting  
22 where David Ferrie was in attendance?  
23 I showed you his photograph.

24 A I have not.

25 (Reporter's Note: The above question was

twice propounded and twice answered,  
apparently because of some small  
courtroom disturbance not noted by  
the Reporter.)

BY MR. DYMOND:

Q Have you ever attended any such party or a  
meeting as was described by Perry Russo  
from the witness stand?

A I have not.

Q Mr. Shaw, are you familiar with the general  
location of Louisiana Avenue Parkway  
in this City?

A Yes, I know where it is.

Q Now, more specifically referring to the resi-  
dence 3330 Louisiana (Avenue) Parkway,  
have you ever attended a party or a meet-  
ing at that address?

A No, I never have.

Q Now, Mr. Shaw, do you recall the occasion of  
President Kennedy's visiting New Orleans  
before his assassination?

A Yes, I recall the occasion.

Q Did you have any official connection with that  
visit?

A Yes, I was invited by Congressman Boggs to be a

1 member of the Reception Committee for  
2 the President.

3 Q Did you serve on that Committee, sir?

4 A I did.

5 Q Would you describe for the Jury your duties  
6 or your activities in connection with  
7 that occasion.

8 A Well, this was 1962, if I am not mistaken,  
9 and to the best of my recollection there  
10 were a group of about 60 people who were  
11 invited to serve on the Reception Com-  
12 mittee. It was decided that a bus would  
13 take this group to the airport to meet,  
14 to welcome and receive President Kennedy.  
15 Of this group some, I would guess, 14  
16 people were to be in the limousines which  
17 would follow the Presidential car from  
18 the airport to the Nashville Avenue Wharf,  
19 the remainder of the Reception Committee  
20 would follow in the bus which was in the  
21 motorcade.

22 Q And where did you ride?

23 A I rode in the bus.

24 Q Did you go to the airport in that bus?

25 A As I recall it, yes.

1 Q Did you go later to the Nashville Avenue  
2 Wharf in that bus?

3 A We did.

4 Q Mr. Shaw, do you remember how you were  
5 dressed on that occasion?

6 A I can't tell you the color of the suit and  
7 the color of the tie, but I certainly was  
8 dressed in a conservative business suit  
9 with a tie on that occasion.

10 Q Did you have on tight pants, Mr. Shaw?

11 A No, I did not.

12 Q Have you ever worn tight pants?

13 A No, I have not.

14 Q Now, Mr. Shaw, prior to the President having  
15 come here on that occasion, had you ever  
16 met President Kennedy?

17 A Yes, I had met President Kennedy.

18 Q What was the occasion of your meeting President  
19 Kennedy?

20 A To the best of my recollection, this would be  
21 in the spring of 1962. Chep Morrison,  
22 who had been for a great many years Mayor  
23 of New Orleans, was appointed by President  
24 Kennedy to be our Ambassador, that is,  
25 the Ambassador of the United States to the

Organization of American States in Washington. Mr. Morrison very kindly invited me to be present in Washington when he was sworn in by President Kennedy. I accepted the invitation, of course, and was present at the time when Mr. Morrison was sworn in as Ambassador by President Kennedy, and on that occasion met the President.

Q Mr. Shaw, did you ever have any ill feelings toward President Kennedy?

A Certainly not.

Q Were you a supporter of President Kennedy?

A I was.

Q Now, when you say "supporter," how did you support him?

A Well, I voted for him.

Q Now, Mr. Shaw, I have shown you a photograph of the late David W. Ferrie. Have you ever in your life met with this man at a filling station on Veterans Highway?

A No, I have not.

Q Have you ever met with this man any place?

A No, I have not.

Q Have you ever conversed with this man?

1 A No, I have not.

2 Q Mr. Shaw, were you present in court -- I am  
3 sure you were, but do you recall the  
4 testimony of Vernon Bundy?

5 A Yes, I recall that testimony.

6 Q Prior to the preliminary hearing in this case,  
7 had you ever in your life seen Vernon  
8 Bundy before?

9 A I had not.

10 Q Have you ever met with anyone on the lake  
11 front sea wall in such a manner as was  
12 described by Vernon Bundy?

13 A No, I have not.

14 Q Have you ever met with anyone, to your know-  
15 ledge, on the lake front sea wall at all?

16 A Not to my recollection.

17 Q More specifically, have you ever met with Lee  
18 Harvey Oswald on the lake front sea wall?

19 A No, I have not.

20 Q Now, Mr. Shaw, I have shown you a photograph  
21 of Lee Harvey Oswald. Have you ever given  
22 that man money in your life?

23 A No, certainly not.

24 Q Have you ever had any reason to want to give  
25 him any money?

1 A No, I have not.

2 Q Mr. Shaw, have you ever been a pro-Castro  
3 man?

4 A No.

5 Q Have you ever engaged in any activities, to  
6 your knowledge, which could be construed  
7 as pro-Castro?

8 A No, I have not.

9 Q Now, Mr. Shaw, I take it you are familiar with  
10 Moisant Airport here in New Orleans, are  
11 you not, sir?

12 A Yes, I am familiar with it.

13 Q Are you familiar with a room known as the  
14 VIP Room in Moisant Airport?

15 A No, I didn't know that room existed until this  
16 trial.

17 MR. DYMOND:

18 May I have the book, please.

19 (Book handed to Counsel by the Clerk.)

20 BY MR. DYMOND:

21 Q (Exhibiting book to witness) Mr. Shaw, I show  
22 you a book which has been marked for  
23 identification "State-55," directing your  
24 attention to the signature "Clay Bertrand"  
25 which is written on the bottom page of



1 that book under the date December 14,  
2 1966, and I ask you whether you at any  
3 time wrote that name in that book.

4 A No.

5 Q Is that your signature, sir?

6 A No, it is not.

7 Q Is that your handwriting, that is, the portion  
8 of it which does not constitute a signa-  
9 ture?

10 A No, it is not.

11 Q To your knowledge have you ever signed your  
12 name in any way in a book such as this  
13 in the VIP Room of the Moisant Airport,  
14 of Eastern Airlines?

15 A No, I never have.

16  
17  
18 NO HIATUS HERE.  
19  
20  
21  
22  
23  
24  
25

1 Q Mr. Shaw, do you know specifically where you  
2 were on December 14, 1966?

3 A No, I do not.

4 Q At that time were you or were you not aware  
5 of the fact that the name Clay Bertrand  
6 had become important in connection with  
7 the assassination of President Kennedy?

8 A No, I did not know it.

9 Q Now, Mr. Shaw, do you habitually travel by  
10 commercial airline?

11 A No, I do not.

12 Q How do you ordinarily travel, sir?

13 A By train ordinarily.

14 Q When is the last time, to your knowledge and  
15 recollection, that you used a commercial  
16 airline for travel?

17 A I would say, and this is -- must be a guess  
18 necessarily -- about ten years ago.

19 Q Now, Mr. Shaw, you took a trip to Europe in  
20 the year 1966, did you not, sir?

21 A That is correct.

22 Q What means of transportation did you use in  
23 connection with this trip?

24 A I sailed from New Orleans to Barcelona, from  
25 the Port of New Orleans.

1 Q Mr. Shaw, have you ever been known as Clay  
2 Bertrand?

3 A No, I have not.

4 Q Have you ever been known as Clem Bertrand?

5 A No, I have not.

6 Q Have you ever used any alias or false name  
7 at all during your life?

8 A No -- with this exception -- I, oh, in the  
9 early Fifties, I wrote a play that was  
10 produced here, and I used the name, the  
11 pen name, Allen White.

12 Q Where did you get that name, Allen White?

13 A These are the maiden names of my two grand-  
14 mothers.

15 Q I see, I see. Mr. Shaw, have you ever known  
16 a person named Clay Bertrand?

17 A No, I have not.

18 Q Have you ever known a person by the name of  
19 Clem Bertrand?

20 A No.

21 Q Have you ever received any mail addressed to a  
22 Clem or Clay Bertrand?

23 A No.

24 Q Mr. Shaw, have you ever been inside the Re-  
25 publican Headquarters at any time, here

1 in New Orleans?

2 A Not to my recollection.

3 Q Have you ever been a Republican?

4 A No, I have not.

5 Q What is your voting affiliation, sir?

6 A I am Democratic.

7 Q Have you ever been other than a Democrat?

8 A No, I have not, no.

9 Q Mr. Shaw, did you take a trip to the West

10 Coast in November of 1963?

11 A Yes, I did.

12 Q Would you tell us what precipitated that trip

13 to the West Coast.

14 A I was invited in early September to speak to

15 the Columbia Basin World Development

16 Conference in Portland, Oregon on

17 November 26. The Conference agreed they

18 would pay my expenses for the trip, and I

19 accepted the speaking engagement.

20 Q Approximately how early in September would you

21 say that this invitation came to you?

22 A May I refresh my memory?

23 Q Yes.

24 A (Referring to file) It came in the form of a

25 telephone call, and I would think the

1 telephone call was on September 8 or 9.

2 Q What leads you to believe that, Mr. Shaw?

3 A I base that on a letter received, dated  
4 September 11, from the man who called me  
5 in Portland confirming the conversation  
6 and expressing his pleasure that I would  
7 be able to be there.

8 Q Now, Mr. Shaw, would you tell us the route of  
9 your trip that you took to Portland.

10 A Yes. I left -- I went from here to Los Angeles  
11 where I stayed several days.

12 Q With whom did you stay there, sir?

13 A I stayed at a hotel. From Los Angeles I went  
14 to San Francisco where I stayed several  
15 days. I then proceeded to Portland. It  
16 was decided to cancel the Conference be-  
17 cause of the assassination of the Presi-  
18 dent. However, I did speak to the  
19 Rotary Club there on Tuesday, November 26.  
20 I went from there to Chicago, where I  
21 visited friends, and returned, to the best  
22 of my knowledge, to New Orleans on  
23 December 2.

24 Q Mr. Shaw, was this trip a cover up for any  
25 assassination plot?

1 A No, certainly not.

2 Q Did you ever engage in any assassination plot  
3 or assassination plan?

4 A No.

5 Q Mr. Shaw, have you ever even jokingly or  
6 casually talked about killing a president  
7 of the United States?

8 A No, I most certainly have not.

9 Q Have you ever owned a maroon sport coat?

10 A No, to the best of my recollection I have  
11 never owned a maroon sport coat.

12 Q Have you ever owned a black and white striped  
13 coat?

14 A To the best of my recollection, no, I have  
15 never owned a black and white striped  
16 coat.

17 Q Now, Mr. Shaw, would you tell us what arrange-  
18 ments, if any, you made pertaining to  
19 your mail when you took your trip to  
20 Europe in 1966.

21 A Again this must be to my best recollection.  
22 Some of my mail came ordinarily to Mr.  
23 Biddison's office, he handled some matters,  
24 business matters, for me. I arranged with  
25 him and with the tenant who occupied my

1 house -- to be exact, he arranged with  
2 the tenant, if they would bring him every  
3 few days any mail that had accumulated  
4 at 1313 Dauphine Street, and he would  
5 forward this, together with the mail that  
6 came directly to his office. I also ad-  
7 vised several people with whom I corres-  
8 ponded with some frequency, that if they  
9 wished to write me while I was in Europe,  
10 they could write directly to Jeff  
11 Biddison's house and he would forward  
12 this mail as well.

13 Q Mr. Shaw, have you ever worked for the Central  
14 Intelligence Agency?

15 A No, I have not.

16 Q Have you ever worked for any other Government  
17 agency, other than your being in the  
18 United States Army during the War?

19 A My Army service is the only Government service  
20 I have ever done.

21 Q Mr. Shaw, did you conspire with Dave Ferrie  
22 and Lee Harvey Oswald to murder John F.  
23 Kennedy, the President of the United  
24 States?

25 A No, I did not!

1 Q Did you ever at any time want President  
2 Kennedy to die?

3 A Certainly not.

4 MR. DYMOND:

5 We tender the witness.

6 THE COURT:

7 Just a minute, Mr. Alcock.

8 Take the Jury upstairs. We are going

9 to take a ten-minute recess.

10 (Whereupon, a recess was taken.)

11 AFTER THE RECESS:

12 THE COURT:

13 The Jury has returned.

14 Are the State and the Defense ready to  
15 proceed?

16 MR. DYMOND:

17 We are ready.

18 MR. ALCOCK:

19 Yes, Your Honor.

20 THE COURT:

21 Hold up for just a few seconds.

22 Sheriff, if there are some persons outside  
23 that want to come in, tell them not to  
24 create any racket at all, please.

25 All right, Mr. Alcock.



## CROSS-EXAMINATION

29

BY MR. ALCOCK:

Q Mr. Shaw, is it your testimony that your arrangements for your speaking engagement on the West Coast of the United States were completed as early as the 8th or 9th of September of 1963?

A It is my testimony that I accepted an engagement on the telephone on either September 8 or the 9th, yes.

Q You feel that would be the latest date that you could have accepted?

A I would say so. Since the only document I have is a confirmation on September 11th, this is my --

Q So you presume it was prior?

A It was a few days prior.

Q Therefore, in mid-September, 1963 you knew you were going to the West Coast of the United States in November of 1963? Is that correct?

A That is correct.

Q Is there any particular reason why you left on November 15?

A I had decided that I would take a two-week

Reference copy, JFK Collection: HSCA (RG 233)

1 vacation in connection with this speaking  
2 engagement in Oregon.

3 Q Did you have any other speaking engagements  
4 on the West Coast?

5 A I spoke on -- I was scheduled to speak -- and  
6 this was arranged much later -- I was  
7 scheduled to speak on November 22nd to  
8 the San Francisco World Trade Center,  
9 a small meeting arranged by the Director  
10 of the Center. Needless to say, at noon  
11 of November 22nd no actual speech was  
12 given. I did have lunch with a few of  
13 the people who had turned up on this  
14 occasion.

15 Q Now, how did the arrangements for that speech  
16 come about?

17 A All by a telephone call.

18 Q By a telephone call from whom, if you recall?

19 A A Mr. Monroe Sullivan. May I refresh my  
20 memory, please?

21 Q Certainly.

22 A (Referring to file) A Mr. Monroe Sullivan, who  
23 is the Managing Director of the San  
24 Francisco World Trade Center. I have a  
25 telegram from him on the 13th confirming

1           that he is reserving a room for me,  
2           arriving on the 21st in San Francisco.  
3           My recollection is that a day or two be-  
4           fore this we had talked on the telephone,  
5           I had agreed to speak to the San Francisco  
6           World Trade Center and had asked Mr.  
7           Sullivan if he would be kind enough to  
8           make a hotel reservation for me.

9   Q     Do you recall when he first contacted you and  
10          asked you to speak there?

11  A     Some several days before the 13th, I would say  
12          around November 10, to the best recollec-  
13          tion I have.

14  Q     Do you recall whether or not he precipitated  
15          the arrangements for your speaking, or  
16          did you request it?

17  A     I did not request him, I did not tell him I  
18          wanted to make a speech, no.

19  Q     You did not tell him that?

20  A     No.

21  Q     Then I take it your testimony is that he  
22          solicited you to speak? Is that correct?

23  A     He telephoned me, yes.

24  Q     Do you know, or did you know at that time, a  
25          man by the name of Mario Bermudez?

1 A Yes, I do.

2 Q Do you know whether he had any contact or  
3 connection with this particular arrange-  
4 ment?

5 A He may well have.

6 Q In what regard?

7 A He may have talked to Mr. Sullivan, saying  
8 that I was going to be on the West Coast.  
9 This is possible; I don't know this of  
10 my own knowledge or recollection.

11 Q Do you know whether or not he solicited this  
12 speaking engagement on your behalf?

13 A I do not know of my own knowledge.

14 Q Had you had much contact with Mr. Bermudez at  
15 this time?

16 A Indeed yes.

17 Q Would you recognize his signature if you saw  
18 it?

19 A Yes, I would.

20 MR. ALCOCK:

21 What is my next number?

22 THE CLERK:

23 73.

24 BY MR. ALCOCK:

25 Q (Exhibiting document to witness) I am going to

show you a document which I have marked for purposes of identification as "S-73," and I ask you if you recognize this document.

A I do not recall seeing the document, but I am sure it is authentic.

Q Do you recognize the signature?

A Yes.

Q Whose signature is that?

A This is Mr. Bermudez' way of signing letters.

(Whereupon, the document referred to by Counsel was duly marked for identification as "Exhibit State 73.")

BY MR. ALCOCK:

Q Have you read the document in its entirety?

A Yes, I have read it.

Q Does this document not reflect that Mr.

Bermudez solicited this speaking engagement on your behalf?

MR. DYMOND:

Object, Your Honor. I think the document speaks for itself, and we have no objection to the Jury examining it.

MR. ALCOCK:

Your Honor, may I offer this in evidence?

1 MR. DYMOND:

2 No objection.

3 THE COURT:

4 No objection?

5 MR. DYMOND:

6 No.

7 THE COURT:

8 With no objection, you may. It is re-  
9 ceived in evidence. You may read  
10 it to the Jury if you wish.

11 MR. ALCOCK:

12 This is a document on the letterhead of  
13 the City of New Orleans, Office of  
14 International Relations, International  
15 Trade Mart, New Orleans, Louisiana,  
16 Telephone 529-3349. It is dated  
17 November 11, 1963, bearing the title  
18 "Victor H. Schiro, Mayor" and also  
19 "Mario Bermudez, Director."

20 This letter is directed to Mr. J. M.

21 Sullivan, Executive Director, World  
22 Trade Center, Ferry Building,  
23 San Francisco, California.

24 "Dear Mr. Sullivan:

25 "I tried to get in touch with you

1 by telephone today. Pending completion  
2 of the call I am writing you on the  
3 same subject I would like to discuss  
4 with you.

5 THE COURT:

6 Mr. Alcock, with the competition you  
7 have (referring to noise in the  
8 courtroom) may I suggest that you  
9 use the mike?

10 MR. ALCOCK:

11 Do you want me to sit down and read it?

12 THE COURT:

13 You can if you wish. I wish you would  
14 start it over.

15 MR. ALCOCK:

16 Very well. I will start with the body  
17 of the letter rather than re-  
18 reading the heading. This letter  
19 is addressed to Mr. J. M. Sullivan,  
20 Executive Director, World Trade  
21 Center, Ferry Building, San  
22 Francisco, California.

23 "Dear Mr. Sullivan:

24 "I tried to get in touch with you  
25 by telephone today, but pending completion

1 of the call I am writing you on the  
2 same subject I would like to discuss  
3 with you by telephone.

4 "Mr. Clay Shaw, Managing Director  
5 of the International Trade Mart here in  
6 New Orleans, is going to be in San  
7 Francisco from November 21 to November 23,  
8 and if you consider some local business  
9 groups there would be interested, he  
10 would be willing to address them on the  
11 subject of our International Trade Mart  
12 and his experience in founding the  
13 present one and promoting new trade for  
14 the new building which is just starting  
15 construction, and the effect of the Mart  
16 on international trade for the Port of  
17 New Orleans.

18 "I look forward to hearing from you  
19 in this regard, or, if you wish, you could  
20 contact Mr. Shaw directly, International  
21 Trade Mart, New Orleans, Louisiana,  
22 Telephone Number 523-6137.

23 "Meanwhile, with kindest regards,  
24 I am,

25 "Sincerely yours,



"Mario Bermudez."

37

BY MR. ALCOCK:

Q Now, Mr. Shaw, do you recall whether or not you had spoken to Mr. Sullivan before this solicitation for this speaking engagement by Mr. Bermudez?

A I think not.

Q Then may I take it that rather than Mr. Sullivan directly soliciting you, Mr. Bermudez on your behalf solicited him for a speaking engagement on November 22, 1963?

A This is six years ago and it is very difficult to recall exactly how the matter came about. My best recollection is a telephone call from Mr. Sullivan asking if I would speak there.

Q Did you know that -- sorry, go ahead.

A That is my recollection.

Q You have identified the signature on this letter?

A That is correct, it is Mr. Bermudez' signature. It is unique.

Q Do you have any question as to the authenticity of the letter?

Reference copy, JFK Collection: HSCA (RG 233)

1 A No question at all. He may very well have  
2 been working along these lines.

3 Q Do you recall speaking to Mr. Bermudez and  
4 requesting him to line up a speaking en-  
5 gagement for November 22, 1963?

6 A I do not recall any such conversation.

7 Q To your knowledge, do you recall discussing  
8 this letter with Mr. Sullivan?

9 A No, I do not recall discussing it.

10 Q Now, you went from New Orleans to Los Angeles?

11 Is that correct?

12 A That is correct.

13 Q Were you travelling with anyone?

14 A No, I was travelling alone.

15 Q And who, if anyone, did you see in Los Angele?

16 A Several friends. I stayed at the Biltmore.

17 I saw several friends, personal friends.

18 I also met with a group in Los Angeles  
19 who were interested in building a new  
20 World Trade Center for Los Angeles, and  
21 Mr. Fred Vanderhurst is the name --

22 V-a-n-d-e-r-h-u-r-s-t, I believe. Let  
23 me be sure. (Referring to file)

24 V-a-n-d-e-r-h-u-r-s-t. The first name  
25 is Fred.

1 Q Could you tell us the names of other indi-  
2 viduals you met with in Los Angeles?

3 A There were several associates of Mr.  
4 Vanderhurst. It is six years, I don't  
5 recall the names.

6 Q You don't recall anyone else you met?

7 A Oh, personal friends?

8 Q Personal friends.

9 A Yes, a Mr. Judson O'Donnell, a Mr. Val Dufour,  
10 a cousin of mine Faye Hogan, a Mr. Phil  
11 Jones. This is what I recall.

12 Q Approximately how long did you remain in  
13 Los Angeles?

14 A From, I would say, November 18 until the  
15 evening of November 20.

16 Q Then I take it you went to San Francisco from  
17 Los Angeles, is that correct?

18 A That is correct, I took the overnight train,  
19 the Lark, on the evening of the 20th,  
20 arriving in San Francisco --

21 Q Did any of these people accompany you to  
22 San Francisco?

23 A They did not, I went alone.

24 Q And where did you stay in San Francisco?

25 A At the St. Francis Hotel.

1 Q And did you contact any personal friends  
2 while you were in San Francisco?

3 A Yes, I did.

4 Q And what were their names?

5 A A Mr. Dondson, D-o-n-d-s-o-n, a Mr. Jim  
6 Dondson, and a Mr. -- these people live  
7 or this person lived -- a Mr. Charles  
8 Walton, who lived in Mill Valley, which  
9 is a suburb of San Francisco; a Mr. John  
10 Iacometti, I-a-c-o-m-e-t-t-i.

11 Q Any others?

12 A Those are all I recall at the moment.

13 Q Did you actually make a speech at all?

14 A In San Francisco?

15 Q Yes.

16 A No.

17 Q Do you know whether or not you made any long  
18 distance calls back to New Orleans from  
19 San Francisco?

20 A I may have. The afternoon of the President's  
21 assassination I think I called my office.

22 Q Did you call anyone else, to your knowledge?

23 A No.

24 Q You made only one long distance call?

25 A To the best of my recollection I called only

1 my office.

2 Q And did you remain in San Francisco --

3 A I must correct that: Either that day or the  
4 next day I believe I telephoned the man  
5 in charge of arrangements in Portland,  
6 and my recollection is he said, "We  
7 don't know, but come on up anyhow."

8 Q I see.

9 A Aside from that I don't recall making any  
10 telephone, long distance telephone calls.

11 Q And when did you actually leave San Francisco?

12 A To the best of my knowledge I left on the  
13 evening of the 24th, arriving -- again  
14 overnight -- arriving in Portland on the  
15 morning of the 25th.

16  
17  
18 NO HIATUS HERE.  
19  
20  
21  
22  
23  
24  
25

1 Q You gave a speech on the 26th? Is that correct? 42

2 A Yes. I had been scheduled to give a speech  
3 on the 26th to a combination meeting of  
4 the Rotary Club and the Columbia Valley  
5 World Trade Development Council. Since,  
6 however, that was cancelled, I gave the  
7 speech only to the Rotary Club on Monday.

8 Q And after leaving Portland where did you go?

9 A I went over by train to Chicago, arriving  
10 there on Thanksgiving Day which would be  
11 the 28th.

12 Q And did anyone accompany you from Portland to  
13 Chicago?

14 A No, no one. I stayed with friends in Chicago.

15 Q What were their names?

16 A Mr. and Mrs. Patrick O'Rourke.

17 Q And you arrived back in New Orleans on what  
18 date?

19 A To the best of my recollection, Tuesday,  
20 December 2.

21 Q To your knowledge, Mr. Shaw, do you know anyone  
22 who knew David Ferrie rather well?

23 A To my knowledge, no.

24 Q Do you know a man by the name of Layton  
25 Martens?

1 A Yes.

2 Q Did you know that he was a roommate of David  
3 Ferrie on November 22, 1963?

4 A I have been told that, yes.

5 Q Do you know a man by the name of Dante  
6 Marachini?

7 A No, do not.

8 Q Do you know a man by the name of James  
9 Lewallen?

10 A No.

11 Q Did you know that he knew David Ferrie quite  
12 well?

13 A No, I did not.

14 Q To your knowledge, have you ever been to the  
15 New Orleans Lake Front Airport?

16 A Yes, I have been there.

17 Q Would you say you went there frequently?

18 A Very, very infrequently.

19 Q Do you recall having gone out there at all in  
20 the year 1963?

21 A To the best of my recollection, no.

22 Q Do you recall, to the best of your recollection,  
23 when you went out there?

24 A No, I do not, but I would say over the past  
25 ten years maybe on two or three occasions

I have been there.

Q Do you know a man by the name of Kerry Thornton?

A No, I do not.

Q Do you know a man by the name of Jack Sawyer?

A Yes, I know Jack Sawyer.

Q Where do you know Mr. Sawyer from?

A He is a friend of mine. He is with a TV station here, the Director.

Q How long have you known Mr. Sawyer?

A Five years possibly, maybe six.

Q Mr. Shaw, do you know anyone that lives in North Carolina?

A Yes, several people.

Q Can you give us their names?

A Yes. Mrs. May Hobson, Mr. and Mrs. Richard Procter(?), Mr. Williams Norman Devalle (?), Mrs. John Laos (?). I can give you a further list if you want.

Q In other words, you know additional people from that area?

A Yes.

Q You go to North Carolina quite frequently?

A I have in the past, yes, sir, not recently.

Q Mr. Shaw, did you ever own the building 906



Esplanade?

A Yes, I did.

Q When did you own that building?

A Again my memory must serve me, but I bought it in 1949 or '50 and owned it for about three years.

Q Did you ever own 908 Esplanade?

A Yes, I have.

Q And when did you own 908 Esplanade?

A Again I must work from memory. I would say I bought 908 in about 1958 possibly, and sold it in about '62 or '63, but this is to the best of my memory.

Q Is it possible that you owned that address in the summer of 1963?

A No, I did not own either of the buildings, I feel reasonably sure, in the summer of '63. Wait just a moment. I may have. No, I did not. I would have to check my real estate records, but I think not.

Q Do you recall when the Jury and yourself and the witness Mr. Spiesel went down to the French Quarter, whether or not he went to either of these addresses?

A Yes, sir, Mr. Spiesel went to 906 Esplanade.

1 Q Mr. Spiesel went to 906 Esplanade?

2 A Yes.

3 Q And you had owned that property at one time?

4 Is that correct?

5 A That is right, but I sold it 16 years ago.

6 Q Now, where is your property in relation to  
7 906 and 908 Esplanade?

8 A In relation to 906, my property fronts on  
9 Dauphine Street and is adjacent to the  
10 rear of 906 Esplanade.

11 Q Does your courtyard abut on the 906 property?

12 A Yes.

13 Q Does it also abut on the 908 property?

14 A No, it does not.

15 Q Have you ever lived at either 906 or 908  
16 Esplanade?

17 A I lived at 906 Esplanade; I have not lived  
18 at 908 Esplanade.

19 Q And when was that that you lived at 906?

20 A Sometime between 1950 and '52, in that area.

21 Q In the summer of 1963 did you know any of the  
22 tenants either in 908 or 906 Esplanade?

23 A 908 of course I knew, I know Mr. and Mrs.

24 Mouton who owned the building, I may have  
25 known several of the tenants there. My

recollection is that I did not know any tenants in 906.

Q Having owned both pieces of property, are they, to your recollection, very similiar from the outside?

A Yes, as a matter of fact. They were built for sisters naturally originally, and they have a certain similiarity from the exterior.

Q Is the interior entranceway to both apartments similar, to the best of your knowledge?

A Yes, they both have a small vestibule and a large entrance hall, as I recall it.

Q Do you know whether or not as a matter of fact both apartments in order to gain entrance require the party to ring the bell and then the one in the apartment to ring a buzzer to open the door?

A I can't testify to the present condition. When I owned the building this was the case.

Q (Exhibiting photograph to witness) I am going to show you an exhibit which I have marked for purposes of identification as "State 74," and I ask you if you recognize the scene depicted in this picture?

48

49

1 A This would appear to be the -- as I recall it  
2 from my visit with Mr. Spiesel, this is  
3 the hallway at 906.

4 Q (Exhibiting photograph to witness) I am going  
5 to show you an exhibit which I have marked  
6 for purposes of identification as "State-  
7 75," and I ask you if you recognize the  
8 scene depicted in this picture.

9 A Yes, this appears to represent the entrance  
10 hall at 908 Esplanade.

11 THE COURT:

12 What is that?

13 THE WITNESS:

14 908 Esplanade.

15 BY MR. ALCOCK:

16 Q (Exhibiting photograph to witness) Now I am  
17 going to show you an exhibit which I  
18 have marked for purposes of identification  
19 as "S-76," and ask you if you recognize  
20 the scene depicted in that picture?

21 A I am not sure, because my visit with Mr.  
22 Spiesel was the only one I have made to  
23 this hallway in a long time, but this is  
24 probably another view of the hallway at  
25 906.

Reference copy, JFK Collection: HSCA (RG 233)

ts

nt

(Whereupon, the documents referred to by Counsel were duly marked for identification as "Exhibit State 74, 75," and "Exhibit State 76.")

BY MR. ALCOCK:

Q Now, can you tell us more specifically, if you can, when you last owned the property at 908 or had any business dealings with the property at 908?

A I sold it to Mr. and Mrs. Moae, M-o-a-e, in 1963 or '64.

Q And if your recollection is correct, you owned that property in the summer of 1963?

A I may well have. I cannot testify to that without looking up the records.

Q But you can testify with certitude that your property more or less forms the complex with 906 and 908 Esplanade?

A No, it forms -- it is part -- well, to be precise, my property was originally the carriage house for 906, therefore it abuts 906. It does not touch at any point 908.

Q I see. Do you recall, Mr. Shaw, when Mr. Spiesel on the witness stand was making a drawing of the interior of the apartment

1                   where he alleged that the conversation  
2                   took place?

3       A       Yes, I recall that.

4       Q       You recall that. Do you recall whether or  
5                   not you had occasion to look at that  
6                   drawing?

7       A       Yes, I saw it.

8       Q       Do you recall making any notations on that  
9                   drawing, or any corrections or deletions  
10                  to that drawing?

11      A       I don't recall it.

12      Q       Do you recall calling Mr. Dymond over to you  
13                  while he had that drawing, and discussing  
14                  the drawing with him?

15      A       I may well have.

16      Q       What was the purpose of that?

17      A       I think it was to look at this and see if I  
18                  recognized this as resembling any apart-  
19                  ment that I had known.

20      Q       Did it?

21      A       No, it did not.

22      Q       Who is Eleanor Barras (?) ?

23      A       Eleanor Barras? I have never met Mrs. Barras.

24                  I am told that -- can I say what I have  
25                  been told?

- 1 Q No, you can't say what you have been told.
- 2 A I don't know Mrs. Barras, no.
- 3 Q Do you know whether or not, of your own know-
- 4 ledge, she lived in either one of these
- 5 locations?
- 6 A Not of my own knowledge.
- 7 Q Do you of your own knowledge know where Mr.
- 8 Dymond might have gotten the name
- 9 Eleanor Barras?
- 10 A Yes, I gave it to him.
- 11 Q You gave it to him?
- 12 A Yes.
- 13 Q You have never met the person?
- 14 A No.
- 15 Q And you gave him the name?
- 16 A That is correct.
- 17 Q That is when Mr. Spiesel was testifying?
- 18 A That is correct.
- 19 Q Is this before or after you looked at the
- 20 drawing?
- 21 A I don't recall really.
- 22 Q For what reason did you give him the name?
- 23 A I can scarcely answer that without telling
- 24 you what I have been told about Mrs.
- 25 Barras.

1 THE COURT:

2 I think you are dangerously treading on  
3 the lawyer-client privilege, what  
4 he tells his attorney. There is no  
5 objection made by Mr. Dymond.

6 MR. DYMOND:

7 Your Honor, we have nothing to hide.

8 On that we don't claim any lawyer-  
9 client privilege. I wouldn't want  
10 him testifying to hearsay though.

11 MR. ALCOCK:

12 I think that is what he was referring to,  
13 the possibility of hearsay.

14 THE WITNESS:

15 That is correct.

16 BY MR. ALCOCK:

17 Q Did you recognize, Mr. Shaw, whether or not  
18 there had been any structural changes  
19 in 906 when you were in there with Mr.  
20 Spiesel and the jury?

21 A I really was not in a position to observe that  
22 carefully. It was crowded. My own  
23 memories of the building go back to 1952,  
24 16 years. I know I sold it. I couldn't  
25 really testify with any accuracy as to



1                   whether the new owner had made any  
2                   structural changes.

3       Q       Do you know whether or not there had been any  
4                   structural changes made in 908?

5       A       To the best of my knowledge, not. I know the  
6                   people who own it and they have never  
7                   really mentioned to me doing any major  
8                   structural changes, but I cannot with  
9                   certainty testify to my own knowledge  
10                  that there have not been.

11      Q       How far is Kentwood from Clinton, Louisiana?

12      A       I do not really know, I would have to guess.  
13                  I never made the trip, I have only seen  
14                  it on the maps. I would guess 60 to 100  
15                  miles.

16      Q       Do you know of your own knowledge whether or  
17                  not Mr. Cobb, Mr. Lloyd Cobb, owns any  
18                  property in the Clinton area?

19      A       I know that Mr. Cobb owns a very large farm  
20                  in St. Francisville, which I believe is  
21                  quite near Clinton.

22      Q       Quite what?

23      A       Quite near Clinton, I believe.

24      Q       Have you ever been to that farm?

25      A       Yes, I have.

1 Q When did you go to the farm?

2 A Oh, during the past ten years I may have been  
3 there three times. I might explain that  
4 a little further, that Mr. Cobb is a  
5 breeder of Black Angus cattle, and once  
6 a year he had rather a big party to  
7 celebrate a stock sale, and I was  
8 generally invited to this party and  
9 sometimes went and sometimes did not.  
10 I would say maybe three times.

11 Q Do you recall whether or not it was necessary  
12 for you to go through the Town of Clinton  
13 to get to the Cobb's home?

14 A My recollection is not, one goes to Baton  
15 Rouge, directly up to St. Francisville  
16 and turn right, and Mr. Cobb's farm lies  
17 just -- east I suppose of St. Francisville.  
18

19  
20 NO HIATUS HERE.  
21  
22  
23  
24  
25

1 Q When is the last time that you were at this  
2 location?

3 A Let's see. It was the year that Mr. Kennedy  
4 ran for the Presidency -- do you remember  
5 that? -- 1960 I believe it was, 1960.

6 Q That would have been the last time that you  
7 were there?

8 A That would be, that would be, to the best of  
9 my recollection.

10 Q On the occasions that you were at Mr. Cobb's  
11 farm, did you see your cousin Yarborough?

12 A No, I did not.

13 Q To your knowledge, do you know whether your  
14 cousin knows Mr. Cobb or not?

15 A To my certain knowledge I do not know, but I  
16 would certainly presume since neither  
17 ever mentioned to me knowing the other,  
18 they do not.

19 Q Do you recall giving a press conference on  
20 March 2, 1967, which would have been the  
21 day after your arrest, wherein you re-  
22 ferred to Lee Harvey Oswald as "Harvey  
23 Lee Oswald"?

24 A I recall the press conference, yes.

25 Q Do you recall having called Lee Harvey Oswald

1 "Harvey Lee Oswald"?

2 A Yes, I think I did make that mistake.

3 Q Was there any particular reason why you put  
4 the name Harvey first?

5 A No, purely a mistake.

6 Q Mr. Shaw, do you know any of the persons who  
7 testified from Clinton, Louisiana?

8 A No, I have never met any of them.

9 Q I take it then you don't know of any bitter-  
10 ness between yourself and them?

11 A No, I do not.

12 Q Now, when you went to Europe in 1966, I believe  
13 the summer of 1966, is it your testimony  
14 that you did not execute a change of  
15 address?

16 A To the best of my recollection, I did not. I  
17 did execute one on my return.

18 Q You did execute one on your return?

19 A (The witness nodded affirmatively.)

20 Q Will you explain that?

21 A Yes. I told a number of correspondents if they  
22 wanted to write me in Europe they could  
23 write me to Jeff Biddison at 1414 and he  
24 would forward the mail. When I returned  
25 and moved back to my own house, it seemed

1           simpler to make the change of address  
2           from 1414 back rather than write every-  
3           body.

4       Q     You mean you made a change of address from  
5           1414 Chartres back to 1313, when your  
6           testimony is you never issued a change  
7           of address from 1313 to 1414?

8       A     Best of my recollection is that I had not.

9       Q     But you did and do recall making a change of  
10          address back from 1414 to 1313, is that  
11          correct?

12      A     That is correct.

13      Q     And yet you do not recall executing the original  
14          change of address?

15      A     I do not.

16      Q     Now, where were you standing on the Nashville  
17          Street Wharf when the President spoke?

18      A     Toward the rear of the crowd.

19      Q     Toward the rear of the crowd?

20      A     Yes.

21      Q     Did you hear Perry Russo testify that he saw  
22          you standing toward the rear of the crowd?

23      A     I did.

24      Q     And with whom were you standing?

25      A     To my recollection no one.

1 Q By yourself?

2 A Well, there were people around me. I was not  
3 with anyone, in that sense.

4 Q Weren't you on the Reception Committee?

5 A Correct.

6 Q Did you separate from the Reception Committee?

7 A The Reception Committee, only about five were  
8 invited to go onto the platform, the rest  
9 of us were left to fend for ourselves.

10 Q I see. Then you did not position yourself next  
11 to any of the Reception Committee during  
12 the speaking of the President?

13 A Not to -- I don't recall -- not to the best of  
14 my recollection.

15 Q Do you recall whether or not any man was stand-  
16 ing next to you approximately your size?

17 A I don't recall.

18 Q But you do recall standing toward the rear of  
19 the crowd? Is that correct?

20 A Three-quarters of the way back perhaps.

21 Q Do you recall whether or not you had occasion  
22 at that time to look around at any of the  
23 spectators in the crowd?

24 A I may well have, I was interested in seeing  
25 their reactions to the President's speech.

1 Q Rather than watching the President speak?

2 A I watched the President, too.

3 Q I take it then that by that statement that  
4 you did observe other people while the  
5 President was speaking?

6 A Yes, that is correct.

7 Q Can you recall what you wore on that day?

8 A I wore a business suit and a tie; I cannot tell  
9 you the color of either six years later.

10 Q Have you ever told anyone that you used the  
11 name Clay Bertrand?

12 A I have never told anyone that I have used the  
13 name Clay Bertrand.

14 Q Have you ever heard of the name of Clay  
15 Bertrand prior to this case?

16 A I have never heard of the name Clay Bertrand  
17 prior to this case.

18 Q Had you ever met Dean Andrews prior to this  
19 case?

20 A I had never met Dean Andrews prior to this  
21 case.

22 Q Do you recall at any time negotiating with  
23 Mr. Gordon Novel for space in the new  
24 International Trade Mart?

25 A Not so much as I negotiated with G. L.

1 Novel.

2 Q Do you recall who his attorney was?

3 A I don't recall.

4 Q Do you recall whether he had an attorney?

5 A Yes, he did.

6 Q You don't recall his name?

7 A It may have been Dean Andrews.

8 Q It may have been Dean Andrews?

9 A May have been.

10 Q Well, are you sure or not sure?

11 A No, I am not sure.

12 Q What did the man look like?

13 A I never met the attorney.

14 Q Why do you say it may have been Dean Andrews?

15 A Because I recall his mentioning the name I  
16 believe.

17 Q How long did these negotiations go on?

18 A Well, they went on for a good deal of time  
19 over quite a long period. Gordon Novel  
20 was interested in acquiring the concession  
21 for the -- what is now the Top of the Mart,  
22 and I kept telling him that he was prema-  
23 ture, that we were not yet ready to enter  
24 into any kind of lease or agreement for  
25 that, and that he came in to see me quite



1                   often. As a matter of fact, he had  
2                   come in to see me before that, because  
3                   on a number of occasions he had wanted  
4                   to stage an International Trade Fair  
5                   which the Trade Mart was sponsoring.

6       Q       And throughout these negotiations he was  
7                   represented by an attorney?

8       A       Not, no, the negotiations for the Trade Fair  
9                   were simply a matter of his coming in  
10                  and saying, Look, why don't we do this,  
11                  and generally it turned out that the  
12                  Trade Mart would underwrite it and Mr.  
13                  Novel would make the money. That was  
14                  the usual discussion.

15      Q       How many times was the name Dean Andrews  
16                  mentioned to you?

17      A       I don't recall. I think at one period he  
18                  brought a formal proposal to me. Now we  
19                  are talking about the Top of the Mart --

20      Q       Yes.

21      A       -- in the new building, and he may at that  
22                  time have said it was drawn by his  
23                  attorney Dean Andrews, or Mr. Andrews'  
24                  name may have appeared on the documents.

25      Q       You don't recall whether as a matter of fact

1           Dean Andrews ever physically accompanied  
2           him in your presence?

3       A     To the best of my recollection, no, he did  
4           not.

5       Q     In connection with your employment as Managing  
6           Director of the International Trade Mart,  
7           did you have occasion to meet dignitaries  
8           coming into town very often?

9       A     Yes, that was part of my job.

10      Q     Did you have occasion to go to the Moisant  
11           International Airport in connection with  
12           that job?

13      A     Quite often.

14      Q     And it is your testimony you never heard of  
15           a VIP Room in the airport?

16      A     No, my testimony was I never heard of Eastern  
17           Airport's. The other VIP Room was then  
18           maintained by the airport itself.

19      Q     You just didn't hear of Eastern's?

20      A     I didn't know Eastern had a private lounge at  
21           all.

22      Q     Did you at any time go into the VIP Room, that  
23           is, the airport's VIP Room?

24      A     Yes, on several occasions.

25      Q     Do they have a guest register there?

1 A I have no recollection of one.

2 Q Do you ever recall signing one?

3 A I don't recall. This was many -- some years  
4 ago.

5 Q Do you recall when we were out in front of  
6 906 and 908 Esplanade Street with the  
7 Jury and Mr. Spiesel, and when you  
8 arrived with your attorneys and were  
9 standing in front of the building that  
10 is 906 and 908, do you recall having made  
11 the statement, "Let's go stand on the  
12 neutral ground, let's don't stand in  
13 front of these buildings"?

14 A That is right.

15 Q You made that statement?

16 A Yes.

17 Q For what reason?

18 A Because I wanted to go stand on the neutral  
19 ground.

20 Q That is the only reason?

21 A Yes.

22 Q It wasn't because you did not want to call  
23 anybody's attention to those buildings?

24 A No.

25 Q Was there anything particularly irritating

1                   about standing in front of those build-  
2                   ings?

3       A       No.

4       Q       But you just wanted to get away from them?

5       A       That is right.

6       Q       Now, in the summer of 1963 did you have a  
7                   roommate?

8       A       In the summer of 1963, I think not.

9       Q       Did you have a maid?

10      A       Yes.

11      Q       What was her name?

12      A       Virginia Johnson.

13      Q       Do you recall whether or not she was with you  
14                   the entire summer of 1963?

15      A       I don't recall when she left. Wait a minute.  
16                   She left me after Betsy. Will you tell  
17                   me when Betsy was? Does anyone remember?

18      Q       I can't recall, '65 I think.

19      A       Well, she was with me until Betsy. Yes, she  
20                   was with me throughout the summer of '63.

21      Q       I take it then she was with you in the fall  
22                   of '63? Is that correct?

23      A       To the best of my recollection, yes.

24      Q       What were her working hours?

1 the house, fixed dinner for me and left  
2 after serving dinner.

3 Q After serving dinner?

4 A That is correct.

5 Q When did you generally eat, what time?

6 A Did you say when or what?

7 Q What time.

8 A Oh, generally 6:30, if I had guests a little  
9 later.

10 Q Have you seen her lately?

11 A No, I have not.

12 Q Other than this one occasion that you described  
13 on direct examination, that is, the occa-  
14 sion where you borrowed Mr. Biddison's  
15 Cadillac automobile to go to Hammond, do  
16 you recall ever driving an automobile of  
17 a similar nature on any other occasions?

18 A No, I do not.

19 Q Do you recall borrowing anyone else's automobile  
20 other than that one occasion you borrowed  
21 Mr. Biddison's car?

22 A Not to the best of my recollection.

23 Q Did the Trade Mart, that is, the corporation,  
24 if that is what it is, have any automobiles  
25 itself?

1 A No, they did not own an automobile.

2 Q Do you know Mr. James Hardiman? That is the  
3 postman that testified in this case.

4 A Only from seeing him in the courtroom.

5 Q I take it then that you know of no dispute  
6 between yourself and Mr. Hardiman?

7 A Not at all.

8 Q Do you know Mrs. Jessie Parker?

9 A I have only seen her in the courtroom.

10 Q Do you know of any dispute or any hard feel-  
11 ings between yourself and Mrs. Parker?

12 A Nothing, nothing, nothing.

13 Q Mr. Shaw, did you have the limp that you have  
14 today, in 1963?

15 A Did I have what?

16 Q The limp that you have today, in 1963.

17 A I have had a back condition, extruded disc  
18 from injuries received in the Army, since  
19 my discharge in 1946. It is a condition  
20 that sometimes makes me limp, sometimes  
21 it does not. To answer your question, I  
22 probably had it in 1963.

23 Q And prior to this case I think it is your  
24 testimony that you have not known Vernon  
25 Bundy? Is that correct?

1 A That is correct.

2 Q You know of no difficulty between yourself  
3 and Vernon Bundy?

4 A None. I never met the man.

5 Q Had you ever seen Perry Russo prior to this  
6 case?

7 A Prior to the case?

8 Q (Counsel nodded affirmatively.)

9 A No.

10 Q Do you know whether or not, as a matter of  
11 your own knowledge, there is a Trade Mart  
12 in the City of Dallas, Texas?

13 A Yes, I know that.

14  
15  
16  
17 NO HIATUS HERE.  
18  
19  
20  
21  
22  
23  
24  
25

1 Q Can you tell me approximately when this came  
2 to your knowledge?

3 A I would think in 1959 or '60.

4 Q Did you know as a matter of fact that  
5 President Kennedy was due to speak on  
6 November 22, 1963 at the International  
7 Trade Mart in Dallas, Texas?

8 A It is not the International Trade Mart.

9 Q Well, the Trade Mart?

10 A No, I did not know it.

11 Q You did not know it?

12 A No, I did not.

13 Q Do you recall where you filed the cancella-  
14 tion change of address with the United  
15 States Post Office?

16 A I don't recall whether I dropped it in the box,  
17 gave it to the postman, or brought it to  
18 the Post Office.

19 Q Do you recall whether or not this cancellation  
20 of change of address was to become  
21 effective on September 21, 1966?

22 A That is my recollection.

23 Q Do you recall how you returned to your home  
24 from the Nashville Street Wharf on the  
25 occasion of President Kennedy's speaking



1                   there?

2       A       After the completion of the President's speech,  
3               those members of the Reception Committee  
4               who were not in the limousines or the  
5               motorcade, those of us riding in the bus  
6               were taken with the motorcade to City  
7               Hall and President Kennedy spoke from the  
8               second floor balcony, I suppose one would  
9               call it, in the City Hall to a considera-  
10              ble crowd which was gathered in Duncan  
11              Plaza, and after that I proceeded -- the  
12              President left immediately after that  
13              speech, and I proceeded, on foot I suppose,  
14              back to the Trade Mart.

15      Q       I take it then that you at some time during  
16               the course of this speech or directly  
17               thereafter, when he was speaking on the  
18               wharf, reunited yourself with the members  
19               of the Committee, is that correct?

20      A       At the conclusion of his speech we all returned  
21               to the bus.

22      Q       You give no particular reason why you didn't  
23               watch the proceedings with these members  
24               of the Committee?

25      A       Well, I think they all split up, we disinte-

1                   grated, you know, with the understanding  
2                   that we were to go back, go with the bus  
3                   to City Hall to hear the President speak.

4       Q       Were you present in the International Trade  
5                   Mart on the date that Lee Harvey Oswald  
6                   distributed Fair Play to Cuba Committee  
7                   leaflets in front of the Trade Mart?

8       A       Yes, I was.

9       Q       Do you recall whether or not you had any part  
10                  in this distribution?

11      A       I can tell you what happened. It was I believe  
12                  in the afternoon. Someone came in, told  
13                  me some, in quotes, "some nut" was  
14                  distributing leaflets in front of the  
15                  Trade Mart, and I said, "All right." I  
16                  will come down and look at it, look into  
17                  it." I got a telephone call which de-  
18                  layed me, a long distance call which de-  
19                  layed me for some minutes, and by the  
20                  time I got downstairs in front of the  
21                  Trade Mart Mr. Oswald was gone, presuma-  
22                  bly taken by the Police, and the TV men  
23                  were packing up their cameras. I asked  
24                  somebody what happened, and they said  
25                  this fellow was handing out leaflets.

Reference copy, JFK Collection: ESCA (RG 233)

- 1 Q Do you recall giving the handwriting samples
- 2 that were used in this case, do you re-
- 3 call making those samples?
- 4 A Yes.
- 5 Q Where were they made?
- 6 A In the office of Mr. Wegmann.
- 7 Q And approximately what time were they made?
- 8 A Between 3:00 and 4:00 in the afternoon I
- 9 would say.
- 10 Q Approximately how long did it take you to
- 11 place your signature on these 13 exhibits?
- 12 A Twenty minutes perhaps.
- 13 Q It took you that long?
- 14 A Possibly, ten to 20 minutes; I can't remember
- 15 precisely.
- 16 Q Who was present?
- 17 A Mr. Robert Link, the Notary.
- 18 Q Anyone else?
- 19 A Mr. Wegmann brought in the blank forms, but
- 20 only Mr. Link and I were there.
- 21 Q Now, prior to that occasion had you not seen
- 22 a copy of the questioned signature, that
- 23 is, the Clay Bertrand signature in the
- 24 airport book?
- 25 A Yes, it was introduced in evidence here. I

1 have seen it.

2 Q You had seen it?

3 A Yes.

4 Q Did you see copies of photographs of that  
5 signature made for Mr. Wegmann?

6 A No, I did not see any photographs of it.

7 Q You did not see any photographs of it?

8 A To the best of my recollection.

9 Q Did you sign anything else on the occasion  
10 that you gave these samples, other than  
11 the signature "Clay Bertrand"?

12 A No, I did not, best of my recollection.

13 Q Were you seated or standing when you executed  
14 these signatures?

15 A I was seated.

16 Q Did you know a man by the name of Tommy Cox  
17 from Dallas, Texas?

18 A Yes, I do.

19 Q Where did you meet Mr. Cox?

20 A In New Orleans.

21 Q What was the occasion?

22 A On Mardi Gras, oh, some seven or eight years  
23 ago I would guess.

24 Q Did you have a continuing acquaintanceship  
25 with him after this first meeting?

1 A Yes. He visited New Orleans once or twice,  
2 and we corresponded.

3 Q Have you ever been to Dallas, Texas?

4 A I was in Dallas, Texas last in 1965 I believe,  
5 1966 possibly.

6 Q Did you go to the Mart at that time?

7 A No, I did not.

8 Q Do you know any other residents of Dallas,  
9 Texas?

10 A To the best of my recollection, no.

11 Q Prior to the trial did you know Mr. Spiesel?

12 A No, I did not.

13 Q I take it then to your knowledge you know of  
14 no grievance between yourself and Mr.  
15 Spiesel?

16 A No.

17 Q On your occasions of going to the New Orleans  
18 Lake Front Airport, do you ever recall  
19 seeing a man fitting the description of  
20 David Ferrie?

21 A No, I do not.

22 Q Do you recall with whom you went to the air-  
23 port?

24 A No, I do not.

25 Q Do you recall what the occasion was for going

Reference copy, JFK Collection: ESCA (RG 233)

- 1
- 2 A On one occasion I was going out on behalf
- 3 of the Trade Mart to meet someone. I
- 4 can't tell you his name, but he had his
- 5 private plane and I went out to meet him.
- 6 He was a governor or a senator or some-
- 7 thing like that.
- 8 Q Have you ever been in Lafitte's Blacksmith
- 9 Shop?
- 10 A Yes.
- 11 Q Do you frequent it often?
- 12 A No.
- 13 Q In 1963 do you recall having been in there?
- 14 A Possibly, I may well have.
- 15 Q You say you do not frequent it often. How
- 16 often approximately do you go there?
- 17 A Lafitte's Blacksmith Shop? Well, two or three
- 18 times a year.
- 19 Q Two or three times a year?
- 20 A Yes.
- 21 Q Do you know any of the people in there, any of
- 22 the employees?
- 23 A Well, I know John Valz, who did play the piano
- 24 there. He does not any more I think.
- 25 Q Do you know when he ceased to play the piano?

1 A No, I don't, I just know he doesn't do it now  
2 and my impression is for the past two or  
3 three years he has not.

4 Q Is there any reason when you were giving these  
5 samples for handwriting purposes, that  
6 you did not write anything other than the  
7 signature "Clay Bertrand"?

8 A I wrote what I was instructed to write by Mr.  
9 Wegmann, which was the date, Clay Bertrand,  
10 and New Orleans, Louisiana.

11 Q Were you given a copy of your cancellation  
12 change-of-address form when you filed  
13 (it)?

14 A Was I given a copy?

15 Q Were you given any copy?

16 A Do --

17 Q -- any memorandum?

18 A Do I have any such?

19 Q Yes.

20 A No, I do not.

21 Q Is Mr. Hardiman your postman?

22 A No.

23 Q You told Mr. Dymond you were somewhat familiar  
24 with the Louisiana Avenue Parkway area.  
25 Can you tell me how you became familiar

1 with the area?

2 A Simply in driving around the City, I know it  
3 runs from Claiborne over towards Broad.

4 Q That is the extent of your familiarity with  
5 the area?

6 A Yes.

7 Q Are you familiar with the 4900 block of  
8 Magazine Street?

9 A No, I am not.

10 Q You don't ever recall driving up that way?

11 A Never.

12 Q Can you give me the name or the names of any  
13 of the parties that were on the bus, on  
14 the Presidential Committee on the Nash-  
15 ville Street Wharf?

16 A This is difficult to do, it was six years ago,  
17 the people who were invited and who I be-  
18 lieve were on the bus were the members of  
19 the City Council. I recall Mr. Fitzmorris  
20 being there, I think Henry Curtis was  
21 there. Mr. Garrison was also on the  
22 Committee, and I believe that he was on  
23 the bus that day but I can't swear to  
24 that with certainty, but it was a crowd  
25 of perhaps 30 or 40 people, in that



1           general area.

2       Q     Do you recall whether Mr. Biddison was on the  
3               wharf that day?

4       A     Best of my knowledge, he was not.

5       Q     Do you recall having seen anyone that you  
6               might have at the time thought were  
7               Secret Service or FBI agents on the wharf?

8       A     Not whom I had seen and knew were FBI and  
9               Secret Service, except for those people  
10              who were in the Presidential motorcade,  
11              who I assumed were FBI or Secret Service  
12              men, nobody else.

13      Q     Do you recall approximately how long you re-  
14              mained to the back of the crowd on the  
15              wharf?

16      A     For the duration of the speech I think, which  
17              was 20 or 25 minutes I would guess.

18      Q     Can you recall the last time that you were in  
19              908 Esplanade?

20      A     About two or three weeks ago.

21      Q     Would that have been in connection with this  
22              case?

23      A     No. I should explain perhaps. The building  
24              was sold to a Mr. and Mrs. Moses. Mr.  
25              Moses died. Mrs. Moses remarried and is

1                   now Mrs. Mouton, and the Moutons are  
2                   friends of mine. I went there for a  
3                   drink as I recall.

4       Q       Do you recall ever having gone to any party  
5                   at all in either 906 or 908 Esplanade?

6       A       Yes, I have been to a party at the Moutons,  
7                   908. I don't recall going to any party  
8                   in 906.

9       Q       Do you recall having gone to a party in 908 in  
10                  the summer of '63?

11      A       I don't recall it.

12      Q       Have you ever seen any piece of mail addressed  
13                  to Clem Bertrand?

14      A       Clem Bertrand?

15      Q       Clem.

16      A       No.

17      Q       C-l-e-m. Have you ever seen any envelope  
18                  described as Mr. Hardiman described the  
19                  envelopes that the Clem Bertrand letters  
20                  were in?

21      A       Brown wood grain?

22      Q       Yes.

23      A       No.

24      Q       Whether any features to the drawings made by  
25                  Mr. Spiesel that were familiar to you?

1 A No. It was a very rough drawing, it did not  
2 correspond to any apartment that I knew.

3 Q You were checking to see whether it did  
4 correspond to any?

5 A Since he had said that he had met me at a  
6 party at such an apartment, obviously I  
7 was looking to see if it corresponded.  
8 Yes, I was checking.

9 Q And you made no marks or corrections on the  
10 drawing?

11 A No, I didn't touch it.

12 MR. ALCOCK:

13 No further questions.

14 MR. DYMOND:

15 No further questions.

16 If the Court please, at this time the  
17 Defense rests.

18 THE COURT:

19 Keep order in the courtroom.

20 If you wish, Mr. Alcock, I would entertain  
21 a motion to adjourn for lunch.

22 I would like to first ask the State -- they  
23 have the legal right -- if they choose  
24 to place rebuttal witnesses on the  
25 stand. First, do you intend to place

1                   rebuttal witnesses on the stand?

2           MR. ALCOCK:

3                   Yes, we do, Your Honor.

4           THE COURT:

5                   If you would like for me to grant you  
6                           time to correlate and logistically  
7                           get your witnesses in shape so you  
8                           can place them on the witness stand  
9                           today when we come back from lunch --

10          MR. ALCOCK:

11                   Yes, Your Honor.

12          THE COURT:

13                   Let everybody have a seat. It is 25  
14                           minutes after 11:00, and I am going  
15                           to recess until noon and have the  
16                           Jury come back at 1:30.

17                   Gentlemen of the Jury, the status of the  
18                           case -- you are not attorneys, but  
19                           just to let you know what is the  
20                           status of this case, the State has  
21                           rested, the Defense has rested, and  
22                           under the law the State is allowed  
23                           in law to put on what we call re-  
24                           buttal witnesses. So that is what  
25                           they choose to do and are intending

1 to do, and we will give them until  
2 we come back this afternoon.

3 Now again, as I have so many times, I am  
4 admonishing you and instructing you  
5 not to discuss the case amongst your-  
6 selves. We are almost coming to the  
7 end of it. If anybody makes any  
8 legal mistakes we have to do this all  
9 over. As you well know, today is the  
10 38th day -- 11 days in January and  
11 today is the 27th of February -- so  
12 we have been at this 38 days. Do  
13 not discuss the case amongst your-  
14 selves or with anyone else.

15 The Court stands recessed until 1:30  
16 o'clock p.m.

17 Mr. Shaw, you are released under your  
18 same bond, and this Court will stand  
19 recessed for lunch until 1:30 p.m.

20  
21 . . . . Thereupon, at 11:33 o'clock a.m.,  
22 a recess was taken until 1:30 o'clock p.m. . . .  
23  
24  
25

000046

## CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

. . . . .  
STATE OF LOUISIANA

198-059

VERSUS

1426 (30)

CLAY L. SHAW  
. . . . .

SECTION "C"

EXCERPT FROM  
PROCEEDINGS IN OPEN COURT  
AFTERNOON SESSION  
FEBRUARY 27, 1969B E F O R E : THE HONORABLE EDWARD A. HAGGERTY,  
JR., JUDGE, SECTION "C"*Mr. Nicholas Tadin**34 pages***Dietrich & Pickett, Inc.**  
*Stenotypists*333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130-522-3111

Reference copy, JFK Collection: NSCA (RG 233)

FILMS

100-003 (JFK ACT)

APR

JC

DATE 10/16/93

I N D E X

<u>Witness</u>	<u>Dir.</u>	<u>Cross</u>	<u>Redir.</u>	<u>ReCr.</u>
Nicholas Tadin	2	11	31	--

Reference copy, JFK Collection: HSCA (RG 233)

AFTERNOON SESSION

2

THURSDAY, FEBRUARY 27, 1969

TESTIMONY OF NICHOLAS TADIN

...ooo...

MR. ALCOCK:

Call Mr. Nicholas Tadin.

NICHOLAS TADIN,

a witness called by and on behalf of the  
State, having been first duly sworn, was  
examined and testified as follows:

DIRECT EXAMINATION

BY MR. ALCOCK:

Q Mr. Tadin, will you state your full name  
for the record, please.

A Nicholas Tadin, T-a-d-i-n.

Q Mr. Tadin, where do you reside?

A 4618 Lurline Street.

Q Is that in the city of New Orleans?

A City of New Orleans.

Q And what is your occupation or employment?

A Business Agent for the Musicians' Union.

Q And how long have you been so employed?

A Twelve years.

Q Does your occupation take you into the

French Quarter of the city of New

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1                   Orleans very much?

2    A       Yes, sir, three or four nights a week,  
3                   sometimes five, sometimes maybe six.

4    Q       Mr. Tadin, do you have any children?

5    A       Yes, I do.

6    Q       How many?

7    A       Two.

8    Q       Are they boys or girls?

9    A       Boys.

10   Q       In the year 1964, were either one of  
11               these boys taking flying lessons?

12   A       Yes, my oldest boy.

13   Q       And how old was he, approximately, at  
14               that time?

15   A       About 16.

16   Q       Are either one or both of these boys  
17               handicapped in any way?

18   A       Yes, sir, both of them are deaf.

19   Q       And from whom was your boy taking flying  
20               lessons?

21   A       David Ferrie.

22   Q       Did you ever have occasion to see David  
23               Ferrie, or more than one occasion?

24   A       For about two years -- about a year and  
25               a half I would say.

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1 Q Generally where did you see him? 4  
2 A At the airport.  
3 Q Would that be the New Orleans Airport?  
4 A Yes, sir.  
5 Q (Exhibiting photograph to witness) I show  
6 you a picture which has been marked  
7 for purposes of identification as  
8 "State No. 3," and I ask you if you  
9 recognize the person depicted in  
10 that picture?  
11 A That is David Ferrie.  
12 Q Is this the man who was giving your son  
13 instructions in flying?  
14 A Yes, sir.  
15 Q Did you ever have occasion to accompany  
16 your son out to the airport while  
17 he was taking a lesson?  
18 A Quite a bit.  
19 Q Is that the New Orleans Lakefront Airport?  
20 A Yes, sir.  
21 Q Is there any reason why you accompanied  
22 your son out there on these  
23 occasions?  
24 A Yes, sir. A picture was made of my boy  
25 and a young lady that was going to

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1 be a nun, and it was put into  
2 the CATHOLIC ACTION, and in this  
3 CATHOLIC ACTION it was David Ferrie,  
4 my son, and this young lady that was  
5 going to be a nun. I think the name  
6 of this lady was Ignatius at that  
7 time, and someone had called me --

8 Q Now, you can't say what anyone told you.  
9 As a result of this call, what, if  
10 anything, did you do?

11 A Well, gee, that is pretty rough.

12 Q I know it is difficult.

13 A When I got the call I became very dis-  
14 turbed, because the man -- I mean  
15 because I found out that --

16 MR. DYMOND:

17 We object to what he found out by  
18 the call, if the Court please.  
19 That is going in the back door.

20 THE COURT:

21 I know it is a difficulty, Mr.  
22 Dymond.

23 You can testify you received the  
24 call, had a conversation, and  
25 then you can tell what you did

Reference copy, JFK Collection: HSCA (RG 233)

1 physically do as a result of  
2 that telephone conversation.

3 THE WITNESS:

4 All right.

5 A (Continuing) I had a call and the man  
6 told me --

7 MR. DYMOND:

8 I object to what he told you.

9 THE WITNESS:

10 All right.

11 BY MR. ALCOCK:

12 Q Mr. Tadin, perhaps I can clear this up.  
13 You said you became concerned. Is  
14 that correct?

15 A Yes, I did.

16 Q Did you become concerned about any partic-  
17 ular individual?

18 A Yes, Dave Ferrie.

19 Q As a result of this concern, did you have  
20 occasion to do anything?

21 A Yes, sir, I did. I didn't know how to  
22 approach Dave Ferrie about this  
23 matter, so we happened to be sitting  
24 down in the airport restaurant one  
25 day, myself and Noel, and I was a

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1 little disturbed, plenty disturbed, 7  
2 so I told Dave, I said, "Dave, you  
3 know my son is a young kid here at  
4 the airport," and I says, "I don't  
5 know anyone out here," which was a  
6 lie, I did know Rudolph Spremich.

7 THE COURT:

8 Who?

9 THE WITNESS:

10 Rudolph Spremich.

11 A (Continuing) I also knew Wilson Naremore  
12 and one other fellow, not too well.  
13 I can't recall his name, but these  
14 two definitely I knew. And I said,  
15 "Dave, this kid is out here every  
16 evening." I says, "I don't know  
17 anybody that I could depend on  
18 except you. Now, if anybody hurts  
19 this kid," I says, "I am going to  
20 fracture his jaw," I says, "and if  
21 I don't do it with my fist, I will  
22 be back here with a two-by-four."  
23 Said, "If I don't get it with a  
24 two-by-four, I am going to come  
25 back here with some friends that

Reference copy, JFK Collection: HSCA (RG 233)

are not going to miss."

8

He said, "Oh, no, nothing is going to happen to your boy. Now," he says, "I am going to see that he is taken care of." Well, the friendship drifted, drifted away real bad, and the boy was crazy about the man. See? I don't think the man did him anything wrong, but he was crazy about this man. He is a deaf boy, and he is the only man that took an interest in the kid, took him up. He was about ready to solo when --

Q Did you have occasion, Mr. Tadin, to ever be at the New Orleans Airport in the summer of 1964 along with your wife?

A Yes, sir.

Q Did you see David Ferrie on that occasion?

A I certainly did.

Q Did you see David Ferrie with anyone on that occasion?

A Yes, I did.

Q And who was the person you saw him with?

A Mr. Clay Shaw.

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1 Q Do you see Clay Shaw in the courtroom? 9

2 A (Indicating) The gentleman right over  
3 here.

4 Q (Indicating) Is that this gentleman here?

5 A Right.

6 Q Had you ever seen Clay Shaw prior to  
7 that occasion?

8 A Many times around Bourbon Street, riding  
9 around in the automobile.

10 Q Now, approximately how close did you get  
11 to David Ferrie and Clay Shaw on  
12 that occasion?

13 A You mean at the airport?

14 Q Yes, sir.

15 A Well, when I parked my car in front of  
16 the place, they had the large hangar  
17 on this side (indicating) and the  
18 AIRCOM was on this side, which they  
19 went out of business. It was a  
20 little hangar, I mean a little office  
21 like, and I parked my car right  
22 there and I was going to look for  
23 Dave to bring the boy for his lesson.  
24 So as I was getting out of the car  
25 I noticed that -- not through the

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1 hangar door, but there is a little  
2 door on the side -- Dave Ferrie came  
3 right out and Mr. Shaw was right  
4 behind him within about three feet.  
5 So I told my wife, "Oh, Christ, look  
6 at this." She said, "What is the  
7 matter?" I said, "Clay Shaw over  
8 here." And then I talked to my wife,  
9 you see, and then she got out of the  
10 car, and I went over to Dave Ferrie,  
11 towards Dave Ferrie, and Mr. Shaw  
12 went to his car. He got out of his  
13 car and went back into the hangar.  
14 So I told Dave, I says, "Dave, what  
15 you got, a new student here?" Said,  
16 "No, it is a friend of mine, Mr.  
17 Clay Shaw. He is in charge of the  
18 International Trade Mart." Said,  
19 "You know him?" I said, "Yes, I  
20 seen him around," and that is it  
21 right there.

22 Q Mr. Tadin, approximately how many times  
23 had you seen Clay Shaw before that  
24 occasion?

25 A Oh, a few times around the French Quarter,

Reference copy, JFK Collection: HSCA (RG 233)



riding around in an automobile.

Q Did you have any doubt at all it was  
Clay Shaw at the airport?

A No, sir, no.

Q Was your wife with you on this occasion?

A She was.

MR. ALCOCK:

I tender the witness.

CROSS-EXAMINATION

BY MR. DYMOND:

Q Mr. Tadin, you say this took place in  
1964?

A Yes, sir, about that time.

Q Could you tell us what month that was  
in '64?

A It was in the later summer months, in  
the later part of the summer. I  
couldn't tell you exactly what  
month, but it was in the later part  
of the summer.

Q Now, what are you referring to as the  
"summer months"?

A Could have been around July.

Q Well, now, you say it could have been  
around July or it was during July?

Reference copy, JFK Collection: HSCA (RG 233)

1 A It could have been around July.

2 Q Could it have been around June?

3 A Could have.

4 Q Could it have been around May?

5 A I couldn't answer that far.

6 Q Could it have been around --

7 A It could have been between June and  
8 August, I will put it that way.

9 Q Between June and August?

10 A Right.

11 Q Now, what building is that that you say  
12 Mr. Shaw came out of at that time?

13 A At the big hangar on the right-hand side  
14 as you come from Dymond Road and make  
15 a turn, and there is an incline, and  
16 the building on the right, which was  
17 a large building, not the large door  
18 but that small door, he and Dave  
19 came out of there.

20 Q Now, how big is that hangar?

21 A That hangar?

22 Q Yes, About how big?

23 A Oh, I guess about -- oh, about -- I have  
24 no idea -- pretty big though.

25 Q How many times as big as this courtroom?

Reference copy, JFK Collection: HSCA (RG 233)

1 A You could put this in there five times  
2 I would say.

3 Q You could put this courtroom in there  
4 five times, is that right?

5 A Yes.

6 Q Now, on that occasion when you saw David  
7 Ferrie walk out of the door of the  
8 hangar, was that the first time you  
9 had seen him that day?

10 A That day?

11 Q That day.

12 A Yes, sir.

13 Q You didn't see him while he was in the  
14 hangar?

15 A Absolutely not.

16 Q And you say Mr. Shaw walked out about  
17 three feet behind him, is that  
18 correct?

19 A Yes, and Mr. Shaw went to his car and  
20 Dave waved at him just like this  
21 (demonstrating). Whether he waved  
22 at him or what I don't know.

23 Q Now, how was Mr. Shaw dressed on that  
24 occasion?

25 A What was that?

Reference copy, JFK Collection, HSCA (RG 233)

1 Q How was Mr. Shaw dressed on that  
2 occasion?

3 A I can't recall.

4 Q Did he have on a coat or a sport shirt  
5 or what?

6 A I can't recall.

7 Q Did he have on a hat?

8 A No.

9 Q You don't know whether --

10 A I am sure he had no hat, because my wife  
11 Berta (sic) remarked, says, "Look at  
12 the beautiful hair he has got on his  
13 head."

14 Q Did you say -- you say you don't know  
15 whether he had a coat on or not?

16 A I can't recall it.

17 Q Was his collar open or closed with a tie?

18 A I couldn't answer that.

19 Q How was David Ferrie dressed on that  
20 occasion?

21 A Sloppy.

22 Q Sloppy, sloppy as usual, or what?

23 A I don't know what you call "usual."

24 Q Well, you saw him quite a few times,  
25 didn't you?

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1 A Well, yes. He had a pair of baggy  
2 pants on, a shirt, and a little  
3 funny hat that he always kept on  
4 top of his head. At no time I found  
5 him without a hat.

6 Q Now, prior to that occasion, have you  
7 ever been introduced to Mr. Clay  
8 Shaw?

9 A Never have.

10 Q But you say you had seen him riding up  
11 and down Bourbon Street?

12 A Right.

13 Q Riding or walking?

14 A Riding.

15 Q Always riding, is that right?

16 A Right.

17 Q What kind of car was he riding in?

18 A Thunderbird.

19 Q What color?

20 A Light cream or white.

21 Q Was the top down or up?

22 A Top down.

23 Q Top down?

24 A Right.

25 Q And how many times did you say you saw

Reference copy, JFK Collection: NSCA (RG 233)

him riding on Bourbon Street?

A Well, one night I saw him twice. I was standing in front of the Famous Door. He made a round. He had about four young fellows in the car with him, and he turned right around, and a little later on came back again, and then once or twice after that I seen him.

THE COURT:

I can't hear you.

THE WITNESS:

Once or twice after that I seen him.

BY MR. DYMOND:

Q Now, Mr. Tadin, when did you first get in touch with the District Attorney's office and tell them --

A This morning.

Q This morning?

A Correct.

Q Did you read the newspapers and watch TV?

A Yes, sir, I have, I have read the newspapers and watched the television.

Q Were you aware that a preliminary hearing was conducted in connection with

1                   this case?

2       A       I certainly was.

3       Q       Did you read about that in the papers?

4       A       Yes, I did.

5       Q       Did you see it on TV?

6       A       Yes, I did.

7       Q       Did you know that David Ferrie was one  
8                   of the parties about whom there had  
9                   been testimony in that preliminary  
10                  hearing?

11      A       Yes, I did.

12      Q       Did you know that Clay Shaw was the  
13                  defendant and a party to that pre-  
14                  liminary hearing?

15      A       Was ~~I~~ a party? No.

16      Q       No, that he was a party to the preliminary  
17                  hearing.

18      A       Through the news media.

19      Q       Did you know that during that preliminary  
20                  hearing a question had arisen as to  
21                  whether Clay Shaw ever knew Dave  
22                  Ferrie?

23      A       Whether he knew Dave Ferrie?

24      Q       I say, did you know that the question had  
25                  arisen in that preliminary hearing

Reference copy, JFK Collection: HSCA (RG 233)

as to whether Clay Shaw was  
acquainted with David Ferrie?

A Well, the thing that disturbed me from  
the beginning was your testimony  
that he did not know.

Q You said my testimony?

A Not your testimony, but your opening  
statement in the paper that Mr.  
Shaw did not know Dave Ferrie, and  
I told that to a couple of people  
and they got onto me and said, "You  
better get up there and tell these  
people."

Q Now, did you follow the preliminary hear-  
ing pretty close on the TV and in  
the newspapers?

A From the date of this?

Q The preliminary hearing.

A You call this the preliminary hearing  
today?

Q No, I call the preliminary hearing the  
proceedings that took place in March  
of 1967.

A Oh, yes, yes.

Q You followed that closely? Is that right?

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1 A Right.

2 Q And is it your testimony that in spite  
3 of following that closely, you  
4 didn't know that the question had  
5 arisen as to whether Clay Shaw was  
6 acquainted with David Ferrie?

7 A I don't follow you.

8 Q Didn't you know that that was one of the  
9 questions in that preliminary hear-  
10 ing, whether Clay Shaw was acquainted  
11 with Dave Ferrie?

12 A Yes, I knew that.

13 Q That didn't disturb you?

14 A Yes, it did disturb me.

15 Q Then why didn't you come forward then?

16 A Same like other people want to come  
17 forward but don't want to get  
18 involved.

19 Q Did you want to get involved this morning?

20 A Yes.

21 Q Why did you want to get involved this  
22 morning?

23 A I figured I should tell --

24 Q Let me finish the question.

25 THE COURT:

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1 Wait.

2 MR. ALCOCK:

3 Let him answer the question.

4 MR. DYMOND:

5 He interrupted by answering the  
6 question.

7 THE COURT:

8 I can't hear both of you at once.

9 THE WITNESS:

10 I heard --

11 THE COURT:

12 Wait a minute, Mr. Tadin.

13 Gentlemen, I know emotions get  
14 aroused at certain moments,  
15 but let's keep it cool if you  
16 can. Now what is the question,  
17 and then let me hear the  
18 objection.

19 MR. DYMOND:

20 I ask that it be read back.

21 THE COURT:

22 I ask you, Mr. Dymond, don't argue.

23 MR. DYMOND:

24 Your Honor, I wasn't arguing.

25 THE COURT:

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1 It looked to me like you were  
2 getting mighty close.

3 MR. DYMOND:

4 Read the question.

5 (Whereupon, the foregoing question,  
6 answer, and colloquy were read back  
7 by the reporter.)

8 THE COURT:

9 Then you wanted to stop him, and Mr.  
10 Alcock interposed by stating  
11 he should be permitted to  
12 explain his answer.

13 MR. DYMOND:

14 Your Honor, the reason I --

15 THE COURT:

16 Wait. I want to know, is that the  
17 question first, is that your  
18 question?

19 MR. DYMOND:

20 The reason I wanted to stop is that  
21 he had commenced his answer  
22 before I had completed my  
23 question.

24 THE COURT:

25 No, sir.

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1 MR. DYMOND:

2 Just the last question there, and  
3 you will see what I mean.

4 THE COURT:

5 All right. I am not going to get  
6 excited about it.

7 Let me see. As I understand the  
8 legal situation, Mr. Alcock,  
9 you were objecting to Mr.  
10 Dymond's interrupting the  
11 State's witness's answer by  
12 stating that he should be per-  
13 mitted to finish his answer.  
14 Is that correct?

15 MR. ALCOCK:

16 Yes.

17 MR. DYMOND:

18 No, by my stating I wanted to be  
19 permitted to finish the question.

20 THE COURT:

21 If you will let me try to explain  
22 the situation to find out what  
23 is the legal objection of the  
24 State, if I can find that out,  
25 then I can understand your

objection.

MR. DYMOND:

All right.

THE COURT:

Mr. Alcock, is that your position?

MR. ALCOCK:

Yes, Your Honor.

THE COURT:

In other words, Mr. Dymond, Mr.

Alcock is objecting to you

interrupting the witness, be-

cause he claims the witness had

not finished explaining his

answer. Is that the legal

situation? You say no?

MR. DYMOND:

I say no, right.

THE COURT:

Tell me what your position is.

MR. DYMOND:

I had not completed my question when

the witness launched forth on

an answer, and that is when I

interrupted him on his answer

because I hadn't completed the

Reference copy, JFK Collection: HSCA (RG 233)

question.

THE COURT:

Let's go back to the record. Let's see if you had or not.

Madam Reporter, you understand the situation. Now let's see if Mr. Dymond completed the question, and, if so, let's see if the witness had completed his answer.

Now take it easy, I think we can find that out.

MR. DYMOND:

Your Honor, I will stop the reporter right at the point where I want to finish my question.

THE COURT:

I hope you don't. I want to hear the whole thing. Wait a minute, Mr. Dymond.

(Whereupon, the same passage was read by the reporter.)

THE COURT:

Mr. Dymond, I will overrule you and permit him to finish that

Reference copy, JFK Collection: HSCA (RG 233)

1 answer, sir.

25

2 MR. DYMOND:

3 Your Honor, do you mean that I am  
4 not permitted to even complete  
5 a question?

6 THE COURT:

7 Mr. Dymond, --

8 MR. DYMOND:

9 I know what my question was meant  
10 to be, Judge. Do you think I  
11 am misleading the Court or  
12 something?

13 THE COURT:

14 No, I am not saying you are mislead-  
15 ing, I say you are confused.

16 MR. DYMOND:

17 I am not confused at all. I wanted  
18 to ask him why didn't he want  
19 to get involved then if he  
20 wanted to get involved now.

21 THE COURT:

22 Don't tell me what you wanted to do,  
23 Mr. Dymond, let's find what the  
24 record says.

25 MR. DYMOND:

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1 The record doesn't show that

2 because I wasn't permitted to  
3 question.

4 THE COURT:

5 I may say something that is revers-  
6 ible before the jury. Take the  
7 jury to my chambers, please.

8 (Whereupon, the jury retired.)

9 THE COURT:

10 Number One, I am not going to stop  
11 either side from being given an  
12 opportunity to be fully heard  
13 on this point, and apparently  
14 it is very critical. As I  
15 understand the legal situation  
16 -- if I am wrong, I will correct  
17 myself, I am human like every-  
18 body else, but I don't think I  
19 am wrong. Now, here is what I  
20 would like to say to you then.

21 I will be glad to hear you all  
22 evening.

23 MR. DYMOND:

24 All right.

25 THE COURT:

Reference copy, JFK Collection: HSCA (RG 233)



1 The question, as I understand it,

27

2 was put to the witness. He  
3 answered it partially and was  
4 continuing to give you an  
5 explanation of why he suddenly  
6 got involved this morning, when  
7 you cut in and tried to inter-  
8 rupt him, and that is when Mr.  
9 Alcock -- you both were talking  
10 at the same time -- Mr. Alcock  
11 took the position that under  
12 the law a witness can answer  
13 a question and can always give  
14 an explanation of the answer  
15 when a question is put to him.  
16 Now, that is the way I under-  
17 stand it. If you wish to --

18 MR. DYMOND:

19 Your Honor, I have no argument --

20 THE COURT:

21 If you wish to correct me, go to the  
22 record and correct me. Don't  
23 tell me what you intended to do.

24 MR. DYMOND:

25 The jury is out of here.

Reference copy, JFK Collection: NSCA (RG 233)

1 THE COURT:

28

2 That is why I am talking like I am.

3 I wouldn't talk like this in  
4 front of the jury.

5 MR. DYMOND:

6 The question I wanted to propound  
7 to this witness was: Why did  
8 you want to get involved this  
9 morning if you didn't want to  
10 get involved back in 1967?

11 THE COURT:

12 That is what he was about to answer  
13 you.

14 MR. DYMOND:

15 No. I got as far as saying why did  
16 you want to get involved this  
17 morning, and he started answer-  
18 ing before I had put in the  
19 rest of the question.

20 MR. ALCOCK:

21 Your Honor, this seems to be much  
22 ado about little. Perhaps I  
23 will just let him repropound  
24 the question as he wants to.

25 THE COURT:

Reference copy, JFK Collection: HSCA (RG 233)

Bring the jury back, but first let

me explain to Mr. Tadin -- I

know Nick a long time, we went

to school together. Look, when-

ever they put a question to you,

and you can, say yes or no, and

if you want to make an explan-

ation, put up your hand and say

I wish to give an explanation.

Will that satisfy everybody?

(Jury returned.)

BY MR. DYMOND:

Q Mr. Tadin, if you didn't want to get involved back in 1967, why didn't you mind getting involved this morning?

A Last night I was sitting down on the sofa watching the news, listening.

THE COURT:

Speak louder.

A (Continuing) -- sitting at my house watching the television, and I heard this news, and I said, "Hell!"

THE COURT:

I can't hear you myself.

Reference copy, JFK Collection: NSCA (RG 233)

1 A (Continuing) I said I was sitting by  
2 the television last night and I  
3 was listening to the news and about  
4 what was going on and everything.  
5 I said, "Hell, this is not true."  
6 I says, "I know this." And I said,  
7 "I am going to tell it and that is  
8 all."

9 BY MR. DYMOND:

10 Q So you knew it wasn't true when you heard  
11 it on the television last night, is  
12 that right?

13 A That is right.

14 Q Didn't you know it wasn't true back in  
15 1967 when you heard it?

16 A That is right, and I done told you I  
17 didn't want to get involved at that  
18 time.

19 Q But for some reason you felt different  
20 about it this morning, is that right?

21 A Exactly right.

22 Q Do you ever lie?

23 A Did I ever lie?

24 Q Do you ever lie?

25 A Lie?

1 Q Yes.

2 A Yes. I think we all do.

3 Q Do you lie often or not?

4 A Yes, sir, but not in this case.

5 Q I see. This is the time that you are  
6 telling the truth? Right?

7 A Right.

8 MR. DYMOND:

9 That is all.

10 REDIRECT EXAMINATION

11 BY MR. ALCOCK:

12 Q Have you ever lied under oath as you are  
13 now, Mr. Tadin?

14 A No, sir.

15 MR. ALCOCK:

16 No further questions.

17 THE COURT:

18 Is Mr. Tadin excused from the  
19 obligations of the subpoena?

20 MR. ALCOCK:

21 Yes, Your Honor.

22 THE COURT:

23 You may stand down.

24 Before you call your next witness,

25 I am going to take a five-minute

Reference copy, JFK Collection: HSCA (RG 233)

intermission. Take the jury

32

upstairs, please.

(Whereupon, a recess was taken.)

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Reference copy, JFK Collection: HSCA (RG 233)

002044

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.....  
STATE OF LOUISIANA . 198-059  
VERSUS . 1426 (30)  
CLAY L. SHAW . SECTION "C"  
.....

EXCERPT FROM  
PROCEEDINGS IN OPEN COURT  
AFTERNOON SESSION  
FEBRUARY 27, 1969

*MRS. Nicholas Tadin*

B E F O R E: THE HONORABLE EDWARD A. HAGGERTY,  
JR., JUDGE, SECTION "C"

*15 pages*

Dietrich & Pickett, Inc.  
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I N D E X

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WITNESS ..... DIRECT CROSS REDIRECT

MRS. NICHOLAS M. TADIN                    2            8            13

Reference copy, JFK Collection: HSCA (RG 233)



AFTERNOON SESSION

2

THURSDAY, FEBRUARY 27, 1969

AFTER THE RECESS:

THE COURT:

Are you ready to proceed, Mr. Alcock?

MR. ALCOCK:

Yes, sir.

...oOo... .

MRS. NICHOLAS M. TADIN,

after first being duly sworn by The Minute Clerk as  
a witness for the State in Rebuttal, was examined  
and testified as follows:

DIRECT EXAMINATION

BY MR. ALCOCK:

Q Would you state your full name for the record,

Mrs. Tadin?

A Mrs. Matilda Tadin.

Q Mrs. Tadin, have you ever testified in a trial  
before?

A No, sir.

Q I ask you just to relax and try to answer the  
questions and to speak directly into the  
microphone if you would.

THE COURT:

Let me further explain, Mrs. Tadin, that if

Reference copy, JFK Collection: HSCA (R9 233)

1 a question is put to you either by the  
2 District Attorney or the Defense and it  
3 requires what they would call a "Yes" or  
4 "No," you have a right under the law to  
5 explain your answer, so if you wish to  
6 say yes or no and you wish to be further  
7 heard on it, to explain your answer, just  
8 put your hand up and tell them you wish  
9 to explain your answer.

10 THE WITNESS:

11 Thank you.

12 BY MR. ALCOCK:

13 Q Mrs. Tadin, is your husband Nicholas Tadin?

14 A Yes.

15 Q Is that the gentleman that preceded you on the  
16 witness stand in this case?

17 A Yes.

18 Q Mrs. Tadin, where do you live now?

19 A New Orleans, Lurline Street.

20 Q You have any children, Mrs. Tadin?

21 A Two boys.

22 Q And what are their ages now?

23 A 20 and 14.

24 Q Do either one or both of these boys have any  
25 infirmities at all?

1 A Deafness.

2 Q Mrs. Tadin, in the year 1964 were either of  
3 your boys taking any flying lessons?

4 A Yes.

5 Q Which boy was it?

6 A The oldest one.

7 Q Is that the one that's 20 now?

8 A Yes.

9 Q And from whom was he taking flying lessons?

10 A Dave Ferrie.

11 Q Mrs. Tadin, I'm going to show you a picture  
12 which I have identified for purposes of  
13 this trial as State-3 and ask you if you  
14 recognize the man in this picture?

15 A Dave Ferrie.

16 Q Is that the man who was giving your son  
17 instructions in flying?

18 A Yes.

19 Q While your son was taking these lessons did you  
20 have occasion to see Dave Ferrie very  
21 often?

22 A I made it my business to be out there practically  
23 every afternoon at the time he took a  
24 lesson.

25 Q Where would he take his lesson?

1 A The New Orleans Airport.

2 Q The Lakefront Airport?

3 A Yes, sir.

4 Q Now, Mrs. Tadin, in the summer of 1964 did you  
5 have occasion to be at the Lakefront  
6 Airport with your husband and your son at  
7 one time when he was to take a lesson?

8 A Yes.

9 Q On this occasion, Mrs. Tadin, did you have  
10 occasion to see this man I am pointing to  
11 here (indicating Defendant Shaw)?

12 A Yes, I did.

13 Q Mrs. Tadin, can you approximate when that was,  
14 what month?

15 A It was the summer of '64, the latter part of the  
16 summer.

17 Q I'm sorry, go ahead.

18 A So I can explain myself, we were out there and  
19 we were waiting for Dave to come, and he  
20 was heading towards us and I noticed a  
21 gentleman with Dave and I passed the  
22 comment to my husband that it was a dis-  
23 tinguished-looking man with Dave and my  
24 husband said, "Oh, look, who is with Dave."

25 MR. DYMOND:

I object, Your Honor.

THE COURT:

Your husband made a reply and what did you  
do as a result of what he told you?

BY MR. ALCOCK:

Q Who is the Dave you are referring to?

A What?

Q Who is the Dave you were referring to?

A Dave Ferrie.

Q And who is the man that you said was with Dave  
Ferrie, is that the man you identified  
just now?

A Yes.

Q Did you see from what direction they came?

A They came out the hanger and we were standing  
in this direction and he was coming towards  
us from the right and we were waiting to  
see Dave Ferrie.

Q Did you have occasion to speak with him?

A After the gentleman left, Dave Ferrie, he came  
towards us.

Q Did you say anything to him?

A No, my husband spoke to him.

Q Did you have occasion to see where the Defendant  
Shaw went after he left you?

1 A I didn't pay any attention. He walked over  
2 and went off.

3 Q Were you concentrating on anyone at this time?

4 A I was concentrating on Dave Ferrie 'cause we  
5 went out there to speak with him.

6 Q Had you been out to the airport many times  
7 prior to this, prior to this occasion?

8 A Yes, yes, many times.

9 Q Do you recall -- I think you testified at the  
10 time that the Defendant and Ferrie were  
11 coming out of the hanger, is that correct?

12 A Yes.

13 Q Do you recall how close together they were or  
14 how far apart they were?

15 A I would say Dave was just a little, about this  
16 much in front and that is when I noticed  
17 and my husband told me who he was.

18 Q Who was?

19 A Mr. Shaw.

20 Q Had you seen Mr. Shaw prior to that occasion?

21 A No, sir, I had not.

22 Q Did you make any comment to your husband at  
23 the time you saw the Defendant Shaw?

24 A Yes, I did.

25 Q What was that?

Reference copy, JFK Collection: HSCA (RG 233)

1 A My husband told me who he was and --

2 MR. DYMOND:

3 I object and I ask that the witness be  
4 instructed not to repeat what someone  
5 told her.

6 THE WITNESS:

7 I asked my husband.

8 THE COURT:

9 This is a technical legal objection and  
10 you cannot state what your husband  
11 told you but you can state what you  
12 did as a result of that.

13 THE WITNESS:

14 Okay. I said "Oh, no."

15 BY MR. ALCOCK:

16 Q Did you say anything else?

17 A I said "Oh, no."

18 Q This was in response to a statement?

19 A That my husband made and that was my response.

20 MR. ALCOCK:

21 I tender the witness.

22 CROSS-EXAMINATION

23 BY MR. DYMOND:

24 Q Mrs. Tadin, you say this was in the summer of  
25 '64?

Reference copy, JFK Collection: HSCA (RG 233)

1 A About the latter, it was warm so the latter  
2 part of August, it may have been sooner  
3 'cause I can't say what day or time it  
4 was.

5 Q Did you and your husband then have occasion to  
6 be out at the airport on that occasion?

7 A Yes, we did.

8 Q Was anyone else with you besides you two?

9 A I think my son or he was already out there, I  
10 think he had a lesson but we always made  
11 it our point to be out there with him.

12 Q Do you remember it was the occasion that your  
13 son was out there already or did he go  
14 with you?

15 A I don't remember whether we went out there or he  
16 was with us.

17 Q Now you say you saw Dave Ferrie come out of a  
18 building?

19 A Out the hanger.

20 Q And Mr. Shaw was about this far behind him.

21 A Dave Ferrie was in the front and he was just  
22 like on the side and towards the back.

23 Q You would not say that Mr. Shaw was 3 feet  
24 behind Mr. Ferrie, would you?

25 A About.



1 Q 3 feet?

2 A I am a very poor judger of distance but maybe  
3 about that.

4 Q That was the first time you saw the Defendant  
5 when they came out that building on that  
6 day?

7 A I saw him that day.

8 Q How old was your older son at this time,  
9 Mrs. Tadin?

10 A He was going to be 17 in November.

11 THE COURT:

12 I don't think you understand; he wanted to  
13 know how old was your son at the  
14 present time.

15 MR. ALCOCK:

16 No, no.

17 MR. DYMOND:

18 No.

19 THE WITNESS:

20 At the present time he was 16 going to be  
21 17 in November (sic).

22 BY MR. DYMOND:

23 Q He is how old now?

24 A 20, he just made 20.

25 Q He made 20 this past November?

1 A This past November.

2 Q Mrs. Tadin, are you a housewife or are you  
3 employed?

4 A I am employed part-time.

5 Q Where do you work?

6 A Home Finance.

7 Q Home Finance Company. Do you remember how  
8 Mr. Shaw was dressed on that occasion?

9 A No, sir, I just remembered his hair and face  
10 and I passed a remark he was a distin-  
11 guished-looking man and my husband told me  
12 who he was.

13 Q You don't even remember whether he had a coat  
14 on or not?

15 A I can't say if he had a coat on but just that  
16 hair and face impressed me.

17 Q You don't remember whether he had a tie or  
18 whether the shirt was open?

19 A No, sir, I can't say that.

20 Q Would you say the main thing you remember was  
21 his hair?

22 A Yes.

23 Q His hair.

24 A His hair and his face, just distinguished-looking  
25 person and that is what I remembered about

1 him.

2 Q Mrs. Tadin, do you remember about 1967 when a  
3 preliminary hearing was held on this case?

4 A Yes, I recall.

5 Q Did you see news about that on the television?

6 A Yes, sir.

7 Q And read about it in the newspapers?

8 A Yes, sir.

9 Q Did you follow it pretty closely?

10 A Off and on I did.

11 Q Did you see pictures of Mr. Shaw at that time  
12 in the paper and television?

13 A Yes, sir.

14 Q At the time you saw those pictures did you  
15 recognize him as the person you had seen  
16 with Ferrie back in 1964?

17 A Yes, sir, I did.

18 Q And when did you first come forward to the  
19 District Attorney's Office and tell them  
20 about this?

21 A Today.

22 Q Why didn't you do it back in 1964? (sic)

23 A 'Cause I didn't want to get involved and I  
24 wouldn't be hear today if my husband  
25 wouldn't have made me come.

1 Q Your husband made you come?

2 A Yes, sir.

3 Q He told you you had to come?

4 A He told me --

5 Q I didn't ask --

6 THE COURT:

7 I think she has a right to explain.

8 THE WITNESS:

9 My husband called me at work and I said  
10 that I didn't want to get involved  
11 and he said he feels like it is my  
12 duty to come, and it is my husband  
13 and I have to come, and I didn't  
14 want to get involved.

15 BY MR. DYMOND:

16 Q This is something you have known since 1967.

17 A Yes.

18 MR. DYMOND:

19 That's all. Thank you.

20 REDIRECT EXAMINATION

21 BY MR. ALCOCK:

22 Q Mrs. Tadin, are you telling the truth in this  
23 case?

24 A Of course I am telling the truth.

25 THE COURT:

1 It is about one minute to 4:00 and I have  
2 been advised Gentlemen of the Jury,  
3 the State advises me in the presence  
4 of Defense Counsel that the witnesses  
5 they wish to proceed with at this  
6 moment are not in the City of New  
7 Orleans, they are from the East and  
8 are snowbound. I have been informed  
9 by Mr. Alcock, that he asked me to  
10 recess at this time to give them an  
11 opportunity to be here tomorrow morn-  
12 ing and if for some reason they are  
13 not able to make it the case will  
14 proceed and we will not delay it any  
15 further.

16 In connection with that matter  
17 Mr. Alcock and Mr. Dymond both advised  
18 me that they will be ready to proceed  
19 with their arguments in the case  
20 tomorrow.

21 If these witnesses do show we  
22 will hear them and if they don't the  
23 State will proceed with the case but  
24 we will not in fact delay it any  
25 length of time. We will have the

1 closing arguments to the Jury

2 tomorrow, and I have no idea of what

3 length of time they will be allowed

4 because I have not at this moment

5 set any time limit on the arguments

6 but we will discuss that with counsel

7 at a later moment, but we are going

8 to recess this case at this moment

9 until tomorrow morning.

10 It looks to me, Gentlemen, like

11 the case will be given to you tomor-

12 row afternoon so if there is

13 possibly one more day and you will

14 have the case. You will have the

15 case tomorrow afternoon and that is

16 with agreement by both counsel for

17 both sides.

18  
19 ... At the hour of 4:05 o'clock

20 p.m. the proceedings were recessed

21 until 9:00 o'clock a.m. Friday,

22 February 28, 1969. ...  
23  
24  
25

JFK ASSASSINATION SYSTEM

IDENTIFICATION FORM

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INDEX

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002049

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.....  
STATE OF LOUISIANA  
VERSUS  
CLAY L. SHAW  
.....

NO. 198-059  
1426 (30)  
SECTION "C"

EXCERPT OF  
PROCEEDINGS IN OPEN COURT ON  
FEBRUARY 28, 1969,

~~JAMES ALCOCK'S ARGUMENT~~

*Dr Nichols (again), Peter Schuster & Elizabeth Mc Carthy*

*And  
Ritter  
Representative of  
witness*

B E F O R E : HONORABLE EDWARD A. HAGGERTY, JR.

JUDGE, SECTION "C"

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I N D E X

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I N R E B U T T A L

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>
<u>DR. JOHN MARSHALL NICHOLS</u>	<u>2</u>	<u>41</u>

PETER SCHUSTER

47, 56

52, 73

MRS ELIZABETH MCCARTHY.

77  
8379 (Traverse)  
96 - crossE X H I B I T S

<u>EXHIBIT NO.</u>	<u>IDENT.</u>	<u>OFFERED</u>	<u>REC'D.</u>
S-79	28	28	
S-80	27	28	
S-81	27	28	
S-82	31	(Not Admitted)	
S-83	62	68	
S-84	63	68	
S-85	66	68	

S-79

28

28

S-80

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S-81

27

28

S-82

31

(Not Admitted)

S-83

62

68

S-84

63

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S-85

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ARGUMENT  
@ cockPage  
103

. . . . Pursuant to the adjournment  
of Thursday, February 27, 1969, the  
Proceedings herein were resumed at  
10:00 o'clock a.m. on Friday,  
February 28, 1969, appearances being  
the same as heretofore noted in the  
record . . . .

THE COURT:

Are the State and the Defense ready?

MR. ALFORD:

The State is ready, Your Honor.

MR. DYMOND:

We are ready, Your Honor.

THE COURT:

Call your next witness.

MR. ALFORD:

The State at this time calls

Dr. John Nichols.

...oOo...

DR. JOHN MARSHALL NICHOLS,  
a witness called for and on behalf of the State,  
having been first duly sworn, was examined and  
testified as follows, on Rebuttal:

DIRECT EXAMINATION

BY MR. ALFORD:

1 Q Please state your name for the record.

2 A Dr. John Nichols.

3 THE COURT:

4 Mr. Alford, are you submitting the witness  
5 as an expert?

6 MR. ALFORD:

7 Yes, Your Honor. He has been previously --

8 THE COURT:

9 I am aware of that. I just want to  
10 clarify. Mr. Dymond, do you wish to  
11 traverse the witness as an expert?

12 MR. DYMOND:

13 I don't think that is necessary again,  
14 Judge.

15 THE COURT:

16 I didn't think so either. I just wanted  
17 the record to show I have previously  
18 ruled that he was an expert.

19 MR. DYMOND:

20 Yes, I know you have, Judge. I don't see  
21 any reason to go through the  
22 formality.

23 THE COURT:

24 Let it be noted in the record that I again  
25 rule the Doctor is an expert in the

1 field of pathology and forensic  
2 pathology and can give his opinion  
3 in those particular fields.

4 All right, you may proceed.

5 BY MR. ALFORD:

6 Q Your name is Dr. John Marshall Nichols? Is  
7 that correct?

8 A That is correct, sir.

9 Q Dr. Nichols, are you familiar with the human  
10 anatomy?

11 A Reasonably so, sir.

12 Q Are you familiar with the human skeletal  
13 structure?

14 A Reasonably so, sir.

15 Q More specifically, Doctor, are you familiar  
16 with the anatomy, with the human anatomy  
17 in the region of the human neck?

18 A Yes, sir.

19 Q Doctor, at this time I wish to give you the  
20 following hypothet, and at the conclusion  
21 of my giving you this hypothet, I will  
22 ask you several questions:

23 Assume that a man was struck by a  
24 rifle bullet which impacts at a location  
25 in his neck, said location being

5

1 approximately five inches down from the  
2 right mastoid process and approximately  
3 five inches from the right acromion and  
4 approximately two inches from the mid  
5 line; that the resulting wound measures  
6 approximately seven millimeters by four  
7 millimeters; that this pellet then follows  
8 a path which causes it to exit at a point  
9 in the frontal neck region at the  
10 approximate location of the tie knot, and  
11 in making this exit the shirt is torn  
12 around the collar button and there is a  
13 nick in the tie on the left side of the  
14 knot; that this wound measures approximate-  
15 ly five millimeters in diameter; and,  
16 finally, that in making the alleged path  
17 no bones are fractured, and further that  
18 this lack of fractures is verified by  
19 X-rays of the region of the neck.

20 Now, first of all, Doctor, is there  
21 anything inconsistent in the facts which  
22 I have given you in this hypothetical  
23 situation?

24 A You have mentioned a measurement two inches  
25 from the mid line. I don't understand

1                   that, sir. Is that in the front or in the  
2                   back?

3   Q       This is in the back portion.

4   A       No, sir. The proposition you have stated is  
5           impossible, sir.

6   Q       Well, disregarding Doctor -- or let me ask you  
7           this: Why are these facts impossible?

8   A       Because if the bullet entered two inches from  
9           the mid line in the back, it would  
10          absolutely be required to strike one of  
11          the cervical vertebrae, sir.

12   Q       Now disregarding the fact of the wound being  
13           two inches from the mid line, Doctor, in  
14           your expert opinion do the facts which I  
15           have stated enable you to determine the  
16           minimum lateral or right-to-left angle at  
17           which a bullet would have to pass in order  
18           to make these wounds which I have  
19           described?

20   A       If the bullet comes out in the front in the  
21           mid line, it is quite easy to calculate  
22           the minimum lateral angle that it had to  
23           go in and missed a bone, yes.

24   Q       Now, Doctor, considering this right-to-left  
25           angle, could a bullet which entered and

7  
1 exited at the point which I have described,  
2 have been fired from the northeast window  
3 of the sixth floor of the Texas School  
4 Book Depository into President Kennedy's  
5 neck on November 22, 1963?

6 MR. DYMOND:

7 I object to that, if the Court please.

8 This witness is not qualified to  
9 testify to that, he is not.

10 MR. ALFORD:

11 Your Honor, I haven't completed the  
12 question.

13 THE COURT:

14 Wait, Mr. Alford, let me hear his objec-  
15 tion, please.

16 MR. DYMOND:

17 He is not qualified to testify to that,  
18 it is outside the field of his  
19 specialty in which he has been  
20 qualified as an expert.

21 THE COURT:

22 I agree with you, Mr. Dymond. I sustain  
23 the objection.

24 MR. ALFORD:

25 All right.



1 BY MR. ALFORD:

2 Q Dr. Nichols, what would be the minimum  
3 right-to-left angle at which the bullet  
4 causing the wound I have described would  
5 have had to enter the body, and why is  
6 this so, sir?

7 A 28 degrees, sir, the bullet had to be fired at  
8 a minimum of 28 degrees or greater.

9 Q And why is this, Doctor?

10 A Because if the angle is less than that, the  
11 cervical vertebra will be fractured.

12 Q (Exhibiting document to witness) Doctor, I now  
13 show you what for purposes of identifica-  
14 tion I have marked as "S-78." Now I would  
15 ask you to please inspect this and tell me  
16 what it represents, if you know.

17 A This represents a schematic diagram of the  
18 human neck at about the level of C,  
19 cervical C-6 or C-7 at which point the  
20 bullet is alleged to have emerged from  
21 President Kennedy's neck. The drawing was  
22 done at my personal request and under  
23 my personal direction and supervision in  
24 the summer of 1967, and it accurately  
25 depicts the minimum lateral angle that a

bullet could go through the neck without striking bone.

9

Q (Exhibiting document to witness) Now, Doctor, I show you what for purposes of identification I will mark as "S-79," and ask you whether or not you can identify this.

A This is a faithful photographic reproduction of the sketch.

Q Is there anything included in the sketch which is not included in the photograph?

A The total qualities, the black and white rendition of some portions are not completely similar.

Q Now, Doctor, have you had occasion to view and examine the Zapruder film, sir?

A Yes, sir, I have.

Q And do you have an expert opinion as to the approximate location in reference to the Zapruder film, in which President Kennedy was first struck by a bullet?

MR. DYMOND:

Object, if the Court please. This is outside the field of his expertise.

MR. ALFORD:

1 May it please the Court, --

2 THE COURT:

3 How in the world, Mr. Alford, can you  
4 have Dr. Nichols tell us what bullet  
5 hit the President.

6 MR. ALFORD:

7 I will strike the word "bullet." I will  
8 rephrase the question.

9 BY MR. ALFORD:

10 Q Dr. Nichols, from your viewing of the Zapruder  
11 film, have you been able to determine at  
12 what point the President appears to  
13 react to some stimulus?

14 A He appears to react at frame 200.

15 MR. DYMOND:

16 I object to that, if the Court please.

17 MR. ALFORD:

18 On what ground?

19 MR. DYMOND:

20 Once again that is outside --

21 MR. ALFORD:

22 Your Honor, --

23 THE COURT:

24 Let me get something straight. When he  
25 makes an objection, will you please

1 keep quiet until I hear the  
2 objection, because when you are  
3 talking I can't hear his objection.  
4 Will you please do that?

11

5 MR. ALFORD:

6 Yes, sir.

7 THE COURT:

8 Mr. Dymond, I will be glad to hear you.

9 MR. DYMOND:

10 Your Honor, again I object on the ground  
11 that this is outside the scope of  
12 this witness' expertise. He has not  
13 been qualified in the field of  
14 photography, and therefore --

15 THE COURT:

16 Mr. Dymond, this was covered in the  
17 original testimony of Dr. Nichols, as  
18 I recall it, and you made the same  
19 objection, that he was not qualified  
20 in the field of photography, and I  
21 overruled you then.

22 MR. DYMOND:

23 If the Court please, we would like to  
24 make an additional objection then  
25 that this is repetitious and has no

place in re-direct examination.

12

THE COURT:

What are you rebutting there, Mr. Alford?

MR. ALFORD:

Please the Court, this is simply a preliminary question which the State intends to link up to rebutting evidence.

THE COURT:

No, sir, you have got to be more specific than that, you have got to tell me what you are rebutting.

MR. ALFORD:

Yes, sir, I will be glad to tell you.

On Direct testimony and on Cross-Examination Defense witnesses stated that they were not able to determine the lateral angle, they stated that they did not do it. Dr. Finck specifically refused to state the lateral angle. However, he did state facts, and we have already elicited from this witness that based on the facts which were testified to by Dr. Finck, he feels

1 that he can state a minimum angle.

13

2 We feel like this is perfectly proper  
3 rebuttal.

4 THE COURT:

5 Frame 270 tells you the angle that  
6 President Kennedy was struck.

7 MR. ALFORD:

8 No, Your Honor. I gave the witness a  
9 hypothet.

10 THE COURT:

11 I am aware of that.

12 MR. ALFORD:

13 Based on the hypothet, and I only asked  
14 him about the Zapruder film in order  
15 to maintain the continuity of the  
16 testimony.

17 MR. DYMOND:

18 Do you want me to say anything further,  
19 Judge?

20 THE COURT:

21 I don't understand Mr. Alford's explanation  
22 of what he is rebutting. Are you  
23 rebutting Dr. Finck's testimony?

24 MR. ALFORD:

25 Not only Dr. Finck's but also

Mr. Frazier's testimony, Your Honor.

14

Mr. Frazier specifically testified that one bullet could have passed through two persons seated in the President's limousine. I am leading up to this. Also Dr. Finck's testimony in certain respects.

THE COURT:

That was covered in your original presentation of your case.

MR. ALFORD:

Not by us, Your Honor. They put Mr. Frazier on. Mr. Frazier is the one who stated in his opinion one bullet could have passed through two persons.

THE COURT:

I can't repeat the testimony, but I am certain that was covered.

MR. OSER:

If the Court please, the Defense witness, Colonel Finck, testified as to where he found a wound in the President's clothes. Furthermore he testified as to what the track of that wound

1 in the throat was, and, in addition,  
2 he said that no bones were broken,  
3 and it wasn't until the Defense put  
4 on Colonel Finck that it was brought  
5 into the facts and into the evidence  
6 in this case as to what the  
7 description of the President's throat  
8 wound was, and this is what we are  
9 attempting to rebut at this  
10 particular time, Your Honor.

11 THE COURT:

12 I sustain Mr. Dymond's objection, it is  
13 repetitious, and besides you are  
14 asking for an opinion that is not  
15 covered in his expertise for which  
16 he was qualified.

17 MR. ALFORD:

18 One moment please, Your Honor.

19 BY MR. ALFORD:

20 Q Now, Dr. Nichols, if two persons were seated  
21 in an automobile, one relatively in front  
22 of another, and a bullet made a path as  
23 I have described to you through the neck  
24 of the rear person or the person furthest  
25 to the rear in the automobile, in your



1 expert opinion, or in your opinion, where  
2 would this person seated in front have to  
3 be seated in order to be struck in the  
4 right armpit?

5 MR. DYMOND:

6 If the Court please, we object to this,  
7 first on the ground that it is too  
8 indefinite, vague, "sitting  
9 relatively in the front." Thirdly,  
10 no foundation has been laid to show  
11 that this Doctor ever examined the  
12 wounds of Governor Connelly, he  
13 does not know exactly where the  
14 Governor was sitting with relation  
15 to the late President Kennedy.

16 THE COURT:

17 I sustain the objection.

18 MR. ALFORD:

19 May it please the Court --

20 THE COURT:

21 I sustain the objection, Mr. Alford.

22 BY MR. ALFORD:

23 Q Now, Doctor, if at the time that the President  
24 has been as observed in the Zapruder film,  
25 reacting to a stimulus at the first point,

1 would this angle which you have testified  
2 to, being a minimum of 28 degrees, have  
3 been affected by the direction in which  
4 his head were turned, if in fact it was  
5 turned?

6 A Only very slightly, sir.

7 Q Would you please explain this.

8 A Yes, sir. When one moves their head, most of  
9 the rotation takes place at the top of  
10 the vertebral column. We have seven  
11 cervical vertebrae. For example, if you  
12 move your head seven degrees, you do not  
13 get one degree of rotation on the vertebra,  
14 you get the majority of the rotation on  
15 the top two vertebrae, say five or six  
16 degrees of rotation, and down about C-6  
17 or C-7 where the bullet emerged, you get  
18 practically no rotation. This can be  
19 very easily confirmed by any person putting  
20 a finger here and moving the head slightly  
21 (demonstrating). It is easily seen that  
22 practically no rotation takes place at the  
23 level that the bullet emerged.

24 Q Now, would the fact that the President's left  
25 shoulder were withdrawn from the rear seat

1 affect the lateral angle?

18

2 A Yes, turning the body at that level would  
3 affect it.

4 Q Now, from your viewing of the Zapruder film  
5 and various other pictures, were you able  
6 to detect any withdrawing of the left  
7 shoulder from the seat?

8 MR. DYMOND:

9 Object, if the Court please. The  
10 Doctor has testified on Direct  
11 Examination when he was here in  
12 court before, to the exact location  
13 of President Kennedy as though he  
14 were in Dealey Plaza when the shots  
15 were fired, and this is nothing but  
16 repetition of that testimony.

17 THE COURT:

18 I think he has covered that point on  
19 Direct Examination. I will sustain  
20 the objection.

21 BY MR. ALFORD:

22 Q Now, Doctor, is the fact that there was a  
23 wound in the rear neck measuring  
24 approximately seven millimeters by four  
25 millimeters, and a wound in the area of

1 the knot of the tie measuring approxi- 19  
2 mately five millimeters, and said wound  
3 being supposedly the wound of exit, are  
4 these two measurements consistent with a  
5 wound of entrance and a wound of exit?

6 MR. DYMOND:

7 If the Court please, the same objection  
8 on this, it was covered on Direct.

9 THE COURT:

10 Just a moment. I particularly remember  
11 that you covered this subject very  
12 grossly with Dr. Finck. I don't  
13 believe that subject matter was taken  
14 up by this witness previously. I  
15 will permit the question, I will  
16 overrule your objection.

17 BY MR. ALFORD:

18 Q Could you answer the question?

19 THE COURT:

20 Now wait. Let me tell you one thing you  
21 left out, Mr. Alford, in your  
22 question, you didn't say it was a  
23 wound in the fleshy part of the neck,  
24 not of the skin. You didn't cover  
25 that point.

1 MR. ALFORD:

2 No, I apologize.

3 BY MR. ALFORD:

4 Q I would add one additional fact to this  
5 question, and that is that this is a  
6 wound through a fleshy portion of the body.

7 A I think in order to answer that question I  
8 would need to have somebody of the same  
9 measurements as the President, and I  
10 would have to go into considerable detail,  
11 the position as measured from the mastoid  
12 and from the acromion. Assuming that it  
13 does miss the vertebral bodies, the  
14 bullet could have traversed the neck,  
15 yes, and come out at the mid line.

16 Q I see. Are the measurements of the wound of  
17 entrance being seven millimeters by  
18 four millimeters, the wound of alleged  
19 exit being five millimeters, consistent,  
20 based upon your experience in the field  
21 of pathology?

22 MR. DYMOND:

23 If the Court please, we object there  
24 again as to the measurements of the  
25 wound of exit. The actual

1 measurements of the wound of exit 21

2 have never been firmly established.

3 Therefore, this hypothet attempts to

4 go outside the bounds of what has

5 been proven.

6 THE COURT:

7 I overrule the objection. I particularly

8 recall a previous doctor talking

9 specifically about having measured

10 it. I will permit the question.

11 THE WITNESS:

12 Generally speaking, the wound of exit in

13 the overwhelming majority of cases is

14 larger than the wound of entrance.

15 BY MR. ALFORD:

16 Q I see. In the example or the hypothet which I

17 have given you, is the alleged wound of

18 exit larger than the alleged wound of

19 entrance?

20 A No, sir.

21 Q Now, Doctor, if you were engaged in the

22 performance of an autopsy, and in the

23 course of the performance of this autopsy

24 you found a wound measuring approximately

25 seven millimeters by four millimeters in

1 the back or the neck, back of the neck of  
2 a person, but you could not determine or  
3 find a wound of exit, what procedure  
4 would you take at this time?

5 A Before starting this autopsy I would have  
6 X-rays made of the entire body, and I  
7 would have viewed those X-rays personally.  
8 I would have had photographs of the  
9 appropriate anatomy of the body made, and  
10 then not having found a missile in the  
11 body, I would have dissected the track.

12 Q Would there be any other way of accurately  
13 determining the path of a bullet under  
14 these circumstances, other than through  
15 X-rays or dissecting the track?

16 A If the subject was in the exact position at  
17 autopsy as at the time the injury was  
18 inflicted, and you know that one is the  
19 hole of exit and one is the hole of entry,  
20 it would be very simple.

21 Q Now, not knowing that, the location of the hole  
22 of exit, would it be possible to  
23 accurately determine the path of a bullet  
24 without having X-rays or dissecting the  
25 track?

1 A It would not.

2 Q Doctor, are you familiar with the term  
3 "bevelling"?

4 A Yes, I am, in relation to missiles in the  
5 skull.

6 Q And to what does this term refer?

7 A It refers to the fact that the hole will be  
8 larger on one side of the skull bone than  
9 it is on the other side.

10 Q Is this always a valid theory under all  
11 circumstances?

12 A No, sir. In order to find and firmly establish  
13 the bullet hole of entry and the bullet  
14 hole of exit, one has to take into account  
15 a large number of things, and this is one  
16 of the things that you take into account,  
17 but it is not always true, there are  
18 exceptions.

19 Q I see. And would the type of missile which had  
20 entered the skull affect the validity of  
21 this theory?

22 A Very much so, sir. Small caliber bullets such  
23 as a .22 and such as .32's from pistols  
24 and such things as this, the bevelling is  
25 much more pronounced and it is a much more



1 reliable guide. However, with such an  
2 impact of such a bullet of the 161 grain  
3 6.5 millimeter Mannlicher-Carcano, the  
4 head in effect explodes and many fragments  
5 of bone are produced. It is very, very  
6 difficult under these circumstances to  
7 ascertain the point of entry and the  
8 point of exit.

9 Q (Exhibiting document to witness) Doctor, at  
10 this time I show you what for purposes  
11 of identification has been previously  
12 marked as "D-28," and I ask you whether or  
13 not you are familiar with what is depicted  
14 on this sheet of paper.

15 A I am quite familiar with this, sir; I use it in  
16 my own lectures, I have seen it in the  
17 Warren Report, I have seen it in a  
18 publication by Dr. Finck in the Journal  
19 of the American Association for Forensic  
20 Sciences, I have talked with Dr. Finck  
21 about this personally, and I have written  
22 him about this.

23 Q I see. Is this a valid theory under all  
24 circumstances?

25 A No, it is not a valid theory under all

circumstances. With small caliber weapons, the principles that he is attempting to demonstrate here are reasonably correct. However, with weapons such as 6.5 Mannlicher-Carcanos and such things as 30/30 rifles, this does not apply.

Q And, Doctor, if a person were struck by a bullet in the skull, will signs of bevelling or coning always be present?

A They do not always occur, sir.

Q All right. If signs of bevelling or coning are detected in a particular skull, is this conclusive evidence as to the direction from which the person were shot?

A It is not conclusive evidence, sir.

Q What additional evidence would you require?

A I would require all data that could possibly be brought to bear on this, including photographs taken at the time of the infliction of the wound, either stills or movies or both.

Q Now, Doctor, if a person was struck in the head with a relatively high velocity bullet, one traveling at approximately

1 2,000 feet per second, would the effects  
2 of bevelling always be present, and, if  
3 so, how accurate would it be?

4 A Bevelling would not necessarily always be  
5 present, and if it is present, it is  
6 suggestive. However, under these  
7 circumstances, as I have previously said,  
8 the skull breaks into many fragments and  
9 one does not even get all the fragments  
10 with which to piece together the whole,  
11 and you have to speculate in some  
12 instances.

13 Q Could bone or what is known as secondary  
14 missiles cause bevelling?

15 A Oh, yes, sir.

16 Q Could fragments of bullets cause this bevelling?

17 A Yes, sir.

18 Q Have you ever examined a case in which the  
19 theory of bevelling proved to be inaccur-  
20 ate, or coning proved to be inaccurate?

21 A I have examined several cases in which I was  
22 unable to obtain an adequate amount of  
23 bevelling with which to express an  
24 opinion.

25 Q I see. And in these cases, upon what evidence

or medical evidence did you rely?

27

A I relied upon microscopic sections of skin wounds, and upon eye-witness reports, and such things as powder burns.

Q Now, Doctor, you have testified that a bullet entering a neck at the location as I have given you, but not fracturing bone, would have to enter at a minimum left-to-right angle of 28 degrees. Is that correct, sir?

A That is correct, sir.

MR. ALFORD:

May I have these marked as "State 80" and "State 81."

THE COURT:

Show them to Mr. Dymond;

(Whereupon, the photographs referred to by Counsel were duly marked for identification as "Exhibit S-80" and "Exhibit S-81.")

BY MR. ALFORD:

Q (Exhibiting photographs to witness) Now, Doctor, I show you what for purposes of identification have been marked as "S-80" and "S-81," and I would request

1                   that you examine both of these photographs   28  
2                   and tell me whether or not you recognize  
3                   them, and, if so, what they depict.

4       A       Yes, sir. Mr. Alford, these are two pictures  
5               taken of a skeleton in which I have  
6               placed a short-end plated dowel in a  
7               position approximately 21 degrees downward  
8               and approximately 28 degrees from the  
9               right to the left, in such a manner as to  
10              get the bullet out at the mid line  
11              approximately in the place where one  
12              does a tracheotomy incision. I have also  
13              indicated on here with letters the  
14              mastoid process and the acromion process.  
15              These pictures were taken under my  
16              personal instruction and supervision, and  
17              they faithfully render that which I  
18              intended to show, within the degree of  
19              accuracy that one can place such a path.

20       MR. ALFORD:

21               May it please the Court, at this time  
22               the State wishes to offer, introduce  
23               and file into evidence exhibits  
24               marked "S-79, S-80," and "S-81."

25       MR. DYMOND:

1 Your Honor, as to "S-79" we have no  
2 objection.

3 MR. DYMOND:

4 As to "S-80" and "S-81," if the Court  
5 please, we object unless this Doctor  
6 is in a position to testify that this  
7 is either a picture of the skeleton  
8 of President Kennedy or that the  
9 relative bone size and bone structure  
10 and so forth of all individuals is  
11 identical. Otherwise it is our  
12 position that these photographs are  
13 irrelevant to the case.

14 THE COURT:

15 Well, Mr. Alford, if you will rephrase  
16 your offer that the pictures are  
17 offered as being similar to an  
18 ordinary male skeleton, then I will  
19 permit the offer --

20 MR. ALFORD:

21 Yes, sir.

22 THE COURT:

23 -- and overrule the objection.

24 MR. DYMOND:

25 To which ruling --

1 THE COURT:

30

2 They are not being offered as the skeleton  
3 of President Kennedy?

4 MR. ALFORD:

5 That is correct.

6 THE COURT:

7 An ordinary male skeleton.

8 MR. DYMOND:

9 To exhibits "S-80" and "S-81" Counsel  
10 objects to their introduction and  
11 reserves a bill, making the offer,  
12 the objection, the reason for the  
13 objection, the ruling of the Court,  
14 and the entire record, parts of the  
15 bill.

16 MR. ALFORD:

17 At this time, Your Honor, I would  
18 request permission to show these  
19 to the Jury.

20 (Whereupon, the exhibits in question  
21 were displayed to the Jury.)

22 THE COURT:

23 All right. Are you ready to proceed,  
24 gentlemen?

25 MR. ALFORD:

1 I would ask that this be marked "S-82."

31

2 (Whereupon, the drawing referred to  
3 by Counsel was duly marked for  
4 identification as "Exhibit S-82.")

5 BY MR. ALFORD:

6 Q (Exhibiting drawing to witness) Doctor, I now  
7 show you what for purposes of identifica-  
8 tion has been marked as "S-82," and I ask  
9 you whether or not you recognize this,  
10 first of all.

11 A Yes. This is a drawing, it is a photograph of  
12 a drawing. I had the drawing prepared at  
13 my explicit instructions and directions,  
14 and photographed. The photograph also  
15 represents a faithful rendition of what  
16 I wanted to do.

17 Q I see. Does this photograph depict a bullet  
18 entering a person at approximately  
19 28 degrees?

20 A Yes, it does.

21 Q Does it also indicate a second person, one  
22 sitting relatively in front of the other?

23 A Yes, it does.

24 Q I see. Does it indicate the path of a bullet  
25 headed into the first person at 28 degrees?



1 A Yes, it does.

2 MR. ALFORD:

3 May it please the Court, at this time  
4 the State wishes to offer,  
5 introduce and file into evidence what  
6 has been previously marked as "S-82."  
7 The State does not state in its  
8 offer that any two persons depicted  
9 are seated in the exact same  
10 positions as President Kennedy or  
11 Governor Connally, but as Officer or  
12 Agent Frazier stated, it depicts two  
13 persons, one seated relatively in  
14 front of the other.

15 MR. DYMOND:

16 To which we object, if the Court please.

17 This drawing which, according to the  
18 Doctor's testimony, represents "what  
19 he wanted it to represent," is  
20 entered or offered for a precise  
21 purpose involving precision. Now,  
22 by this Doctor's very testimony it  
23 represents one person "sitting  
24 relatively in front of the other."

25 Frankly, I don't know what that means

1 in terms of precision, I don't  
2 believe it means anything, and this  
3 is obviously a misleading sketch  
4 designed to show exactly what this  
5 witness wants it to show.

6 MR. ALFORD:

7 No, Your Honor --

8 MR. DYMOND:

9 -- using his own measurements, and by his  
10 own testimony not being an exact  
11 reproduction of anything except his  
12 own sketch.

13 THE COURT:

14 You see, you would have to get the frame  
15 from the Zapruder film and then try  
16 to calculate at what particular  
17 fraction of a second the entrance  
18 wound was made, and then you have  
19 to find out where Governor Connolly  
20 was at that fraction of a second.

21 MR. DYMOND:

22 That is correct.

23 THE COURT:

24 The objection is well taken, I sustain  
25 it.

1 MR. ALFORD:

2 May it please the Court, this witness is  
3 familiar with the Zapruder film and,  
4 if the Court will allow me, I can  
5 question him.

6 THE COURT:

7 You can question him on what he has found  
8 in the Zapruder film at that precise  
9 fraction of a second, but you cannot  
10 bolster your own witness by letting  
11 him prepare a drawing that aids him  
12 in describing his testimony but  
13 bolsters him. You can't bolster him,  
14 and that is what you are using it  
15 for.

16 MR. ALFORD:

17 It is simply an illustration of his  
18 testimony, that is all.

19 THE COURT:

20 He can orally testify to the facts you are  
21 trying to put over here. I will  
22 sustain the objection, I will not  
23 admit "S-82."

24 BY MR. ALFORD:

25 Q Now, Doctor, did you have occasion to examine

the Zapruder film at approximately  
frame 225?

35

A Yes, I have.

Q At this frame can you detect whether or not  
Governor Connolly and President Kennedy  
are sitting relatively in front of each  
other?

THE COURT:

Which frame?

MR. ALFORD:

Frame 225, Your Honor.

THE WITNESS:

Yes, I can.

BY MR. ALFORD:

Q Can you detect their exact location in relation  
to one another?

A With a reasonable degree of accuracy, yes.

Q Would you please explain this to the Gentlemen  
of the Jury.

A Well, by simple observation with the naked eye,  
it appears that Governor Connolly is  
sitting almost exactly in front of  
President Kennedy, perhaps an inch or so  
to the left.

Q Now, Doctor, should a bullet enter a person at

1 a 28-degree lateral angle, where would  
2 another individual seated in front of this  
3 person have to be seated in order to be  
4 struck by the bullet on the right side of  
5 his body?

6 A Very considerably to the left, I would suggest  
7 18 inches or so.

8 Q Did you find as a result of your examination of  
9 the Zapruder film, that Governor Connolly  
10 was seated to the left of President  
11 Kennedy?

12 MR. DYMOND:

13 Your Honor, we object to this testimony.

14 This doctor is no better qualified  
15 to say what the Zapruder film shows  
16 than anybody else, and to have him  
17 get on this stand as an expert in  
18 the field of pathology and try to  
19 tell us what that Zapruder film shows  
20 when we have seen it eight times  
21 here, borders on the ridiculous I  
22 submit!

23 MR. OSER:

24 Your Honor, if the Court please, what the  
25 State is attempting to do at this

time is to rebut the testimony of Agent Frazier. Agent Frazier's testimony was to the effect that in the reconstruction he could line up a shot that would pass through the President's stand-in and the Governor's stand-in by sighting from the sixth floor of the Texas School Book Depository down to either a white chalk mark or a piece of cloth on the back of the stand-in. We are attempting to do, at this particular time now that the Defense or after the Defense has put on Dr. Finck and we ascertained that it was a through-and-through gunshot wound and that no bones were broken -- the Government in its reconstruction did not calculate the lateral angle from right to left passing through President Kennedy's neck. This doctor has testified today that the lateral angle passing right to left would have to be a minimum of 28 degrees because of the bone

1 structure of the human anatomy with  
2 which he is familiar. Now at this  
3 time we are attempting to introduce  
4 this particular exhibit based on the  
5 Doctor's research and examination,  
6 showing that if a bullet passed  
7 through an individual at 28 degrees  
8 as described by Dr. Finck, the  
9 Defense's witness, what would happen  
10 to that bullet and what would be the  
11 path of that bullet if it did not  
12 hit bone, and this is the reason,  
13 Your Honor, this testimony is being  
14 offered.

15 THE COURT:

16 You have covered that. You are getting  
17 to whether or not it would strike  
18 someone in front of him. That was  
19 the question.

20 MR. OSER:

21 That is correct.

22 THE COURT:

23 He said the first (person) would have to  
24 be 18 inches over to his left. I  
25 heard him state that.

1 MR. OSER:

2 Right, Your Honor, and this particular  
3 exhibit is to show --

4 THE COURT:

5 I have already ruled on that exhibit --  
6 he can answer it orally -- I have  
7 ruled the exhibit out. I believe  
8 the Doctor has answered your question,  
9 he said the person would have to be  
10 18 inches over to receive the wound.  
11 Didn't you say that?

12 THE WITNESS:

13 Approximately 18 inches.

14 BY MR. ALFORD:

15 Q Doctor, in examination of frame 225 of the  
16 Zapruder film, did you find that  
17 Governor Connolly was seated 18 inches to  
18 the left of President Kennedy?

19 A Very definitely not.

20 MR. DYMOND:

21 We object to that, if the Court please.

22 Once again, this is supposedly an  
23 expert in the field of pathology and  
24 has been --

25 THE COURT:



1 And forensic pathology.

40

2 MR. DYMOND:

3 Forensic pathology, too, but not  
4 photography. I haven't heard him  
5 qualified --

6 THE COURT:

7 Overrule the objection. We saw it nine  
8 times and I think I could give you  
9 an expert opinion on it myself.

10 MR. DYMOND:

11 To which ruling Counsel reserves a bill  
12 of exception, making the question,  
13 the objection, the State's  
14 Exhibit 82, the answer of the witness,  
15 the reasons for the objection, the  
16 ruling of the Court and the entire  
17 testimony parts of the bill.

18 BY MR. ALFORD:

19 Q Do you recall the question?

20 A I have forgotten it.

21 MR. ALFORD:

22 Please read it.

23 (Whereupon, the foregoing question  
24 and answer were read back by the  
25 Reporter.)

1 BY MR. ALFORD:

2 Q Do you wish to further answer that question?

3 A I would confirm just that he was sitting  
4 approximately in front and not 18 inches  
5 over, perhaps one inch, perhaps, or two  
6 inches.

7 MR. ALFORD:

8 The State will tender this witness.

9 MR. DYMOND:

10 Did you tender the witness?

11 MR. ALFORD:

12 Yes.

13 CROSS-EXAMINATION

14 BY MR. DYMOND:

15 Q Doctor, have you ever examined the Presidential  
16 limousine which was in Dallas on  
17 November 22?

18 A I went to Washington to do so, sir, but --

19 Q Would you kindly answer my question and then  
20 explain, Doctor.

21 THE COURT:

22 That is correct, just say yes or no.

23 THE WITNESS:

24 No, I have not, sir.

25 MR. ALFORD:

1 Now he has a right to explain.

42

2 THE COURT:

3 You can explain.

4 THE WITNESS:

5 (Continuing) I wrote to the Secret

6 Service and asked permission to do

7 this, and they gave me an evasive

8 answer. I went to Washington. They

9 met me at the airport and apologized

10 for having torn it up but gave me the

11 measurements which I have today.

12 BY MR. DYMOND:

13 Q You are the same doctor who sued the

14 Government, are you not?

15 A I am still suing the Government, sir; it is

16 not past tense, it is present.

17 Q Now, Doctor, is my understanding correct that

18 sometimes in writing your autopsy reports

19 you take into consideration the testimony

20 of eye-witnesses?

21 A It doesn't influence my decision.

22 Q Didn't you testify just a few minutes ago that

23 in cases where you might have a skull

24 wound and you can't find bevelling, that

25 you take into consideration the testimony

of eye-witnesses?

43

A If my answer conflicted with my testimony, I would go back and make a reexamination, sir, but my testimony would not affect my protocol in the slightest.

Q So you would not take that into consideration in forming your opinion, is that correct?

A No, I take into consideration my own observations personally.

Q And that is all?

A That is all.

Q And you are testifying now that you didn't say on Direct Examination that you would take into consideration the testimony of eye-witnesses?

A I don't recall the exact phrasing of that question, but if I said that, I would like to withdraw it and amend it: I would obtain testimony or opinions of eye-witnesses without --

THE COURT:

Please.

THE WITNESS:

-- taking them into consideration is another matter.

1 MR. DYMOND:

2 At this time, if Your Honor please, I  
3 would like to ask if the Court  
4 Reporter can find that answer given  
5 by the witness.

6 MR. ALCOCK:

7 He acknowledged the possibility of making  
8 the statement. He said if he made  
9 it he was amending it at this time.

10 THE COURT:

11 I agree with you, Mr. Alcock. We are not  
12 going to go back.

13 BY MR. DYMOND:

14 Q So you don't know whether you made that  
15 statement or not? Is that right, Doctor?

16 A I don't think I did, sir.

17 Q Now, Doctor, if you couldn't find a point of  
18 exit to a body wound where you did find  
19 a point of entrance, would you reject the  
20 statement of a brother pathologist whom  
21 you knew to be qualified, to the effect  
22 that he had found a point of exit?

23 MR. ALCOCK:

24 Your Honor, that is asking this witness  
25 to pass judgment on the testimony of

1 another witness in this case, and  
2 this is an objection Mr. Dymond has  
3 made repeatedly.'

4 MR. DYMOND:

5 I am not asking him to pass judgment on  
6 anything, I am asking him to tell  
7 me what he would be willing to  
8 consider in arriving at a conclusion,  
9 that is all.

10 MR. ALCOCK:

11 I will withdraw the objection.

12 THE WITNESS:

13 Repeat the question, please.

14 MR. DYMOND:

15 Would you read it back.

16 (Whereupon, the pending question was  
17 read back by the Reporter.)

18 THE WITNESS:

19 I would consider the possibility that he  
20 had made an error. I would talk  
21 with him. For example, a neck  
22 wound -- I myself personally found a  
23 neck wound in the back but no  
24 apparent wound in the front, and in  
25 this instance it developed that the

1                   decedent had his mouth open and the  
2                   bullet came out the mouth and there  
3                   was none to see.

4   BY MR. DYMOND:

5   Q     Doctor, did you ever examine the remains of  
6           President Kennedy?

7   A     I have requested to do so, sir, but been  
8           rejected.

9   Q     Would you answer the question and then explain  
10          if you want to.

11  A     No, I have not, sir.

12  Q     Have you ever seen the X-ray films or X-ray  
13          pictures?

14  A     No, I have not, sir.

15  Q     Have you ever seen the autopsy photographs?

16  A     I have not, sir.

17  Q     Doctor, weren't you a student under Dr. Finck  
18          at the Armed Forces Institute of  
19          Pathology?

20  A     I attended three lectures given by Dr. Finck,  
21          yes, and in that sense he is my mentor,  
22          sir. In correspondence with him he refuses  
23          to talk to me about the subject. I  
24          attempted to do so on many occasions; it  
25          was part of my trip to Washington to talk

1 to Dr. Finck, but he rejected me.

2 MR. DYMOND:

3 That is all.

4 MR. ALFORD:

5 The State calls Peter Schuster.

6 ...oOo...

7 PETER SCHUSTER,

8 a witness called by and on behalf of the State,  
9 having been first duly sworn, was examined and  
10 testified, on Rebuttal, as follows:

11 DIRECT EXAMINATION

12 BY MR. OSER:

13 Q State your name for the record, please.

14 A Peter Schuster.

15 Q By whom are you employed?

16 A Dr. Rabin, Coroner.

17 Q In what capacity are you employed in the

18 Coroner's Office, Mr. Schuster?

19 A Photographer and investigator.

20 Q How long have you been an employee of the

21 Coroner's Office?

22 A Approximately seven years.

23 Q During that seven years what have been your

24 duties?

25 A To photograph violent deaths, investigate them



1 for the Coroner.

48

2 MR. OSER:

3 Your Honor, the State is going to attempt  
4 to qualify Mr. Schuster in the field  
5 of photography.

6 THE COURT:

7 To give an opinion or to testify to a  
8 specific photograph?

9 MR. OSER:

10 Both to give an opinion and testify about  
11 a specific photograph, if the Court  
12 please.

13 THE COURT:

14 You gentlemen step up here, please.  
15 (Conference at the Bench off the  
16 record.)

17 THE COURT:

18 We are going to take a five-minute recess.  
19 Take the Jury upstairs, please.  
20 (Whereupon, a brief recess was  
21 taken.)

22 AFTER THE RECESS:

23 THE COURT:

24 Now are the State and the Defense ready  
25 to proceed?

1 MR. OSER:

2 We are ready, Your Honor.

3 MR. DYMOND:

4 We are ready, sir.

5 THE COURT:

6 You may proceed.

7 BY MR. OSER:

8 Q Mr. Schuster, how long have you been involved  
9 in the area of photography?

10 A Approximately ten years in photography.

11 Q Do you have any particular formal education in  
12 this area?

13 A I hold a degree in photography, Social Science  
14 in Photographic Technology.

15 Q Where did you receive that degree, sir?

16 A Here in town at Delgado Technical Institute.

17 Q During your career in photography, do you ever  
18 have occasion to give any instructions or  
19 teach anywhere?

20 A I taught photography a short time.

21 Q Where was that?

22 A At Delgado.

23 Q Mr. Schuster, can you give us an estimate of  
24 approximately how many pictures you take  
25 and develop during a year's time in the

Coroner's Office?

50

A Oh, I imagine it is around 5,000 or 6,000 a year.

Q And do you also have outside photographic work besides that of the Coroner's Office?

A Yes, I do work on the outside besides the Coroner.

Q Does that also involve taking and developing and printing of photographs?

A It does.

Q Have you ever had occasion, Mr. Schuster, to analyze any of the products of your own work but that -- I mean have you had occasion to analyze photographs that you have taken while in the Coroner's Office?

A I did, sir.

Q And can you give me an example of what type of analyzing you have done in the past in regards to photography?

A Oh, we have done work on -- for example, on suicides where we have to make extremely large ones showing wounds, the scene of the entrance and exit of bullets, pieces of evidence that may be on the floor and from a normal photograph it can't be

1 detected what it is and extremely large  
2 ones are necessary to analyze this  
3 particular piece of evidence.

4 Q Have you ever failed to qualify in any of the  
5 courts of the Criminal District Court in  
6 the field of photography, Mr. Schuster?

7 A Never, sir.

8 Q Have you ever been qualified in the Federal  
9 Courts in the field of photography?

10 A I have, sir, I have.

11 MR. OSER:

12 I tender the witness to Mr. Dymond on his  
13 qualifications.

14 THE COURT:

15 Let's see. Would you state the  
16 particular field that you wish to  
17 have Mr. Schuster qualified in, state  
18 specifically what opinions you wish  
19 to elicit. Let's see if I understand.  
20 You are tendering the witness as an  
21 expert in the field of photography to  
22 the end that he can give his opinion  
23 and interpret and analyze photographs?

24 MR. OSER:

25 That is what we are tendering him on,

1 Your Honor.

52

2 THE COURT:

3 He is tendered for traverse.

4 MR. DYMOND:

5 If the Court please, we will stipulate  
6 that Mr. Schuster is an expert in  
7 the area of taking pictures and  
8 enlarging them. Other than that I  
9 would like to traverse, because he  
10 is offered beyond that scope. Is  
11 that right, Mr. Oser?

12 MR. OSER:

13 Yes, sir.

14 CROSS-EXAMINATION

15 BY MR. DYMOND:

16 Q Now, Mr. Schuster, what training have you had  
17 in the interpretation of photographs?

18 A Well, during a two-year course; I couldn't tell  
19 you the exact time in this two-year  
20 course that was given to the interpretation  
21 of photographs, but it was part of the  
22 course.

23 Q Now, just what field did this part of the course  
24 that covered interpretation of photographs  
25 cover?

1 A Enlarging.

2 Q Was that identifying objects in photographs?

3 A Enlarging and identifying objects.

4 Q You have qualified as an expert in that  
5 particular field of photography?

6 A In other words, have I ever qualified in court  
7 as identifying a specific object in a  
8 specific picture?

9 Q That is correct.

10 A I have, sir, identified specific objects in  
11 specific pictures and enlargements.

12 Q Have you ever qualified as a photographic  
13 analyst?

14 A As a photographic analyst? Not that I can  
15 recall as an analyst.

16 Q Have you had any particular training in the  
17 field of photographic analysis?

18 A Part of the two-year course was devoted to  
19 this.

20 Q How much of it?

21 A I couldn't remember the exact specific time.  
22 This was seven or eight years ago.

23 Q Have you ever even attempted to qualify as a  
24 photographic analyst?

25 A Not that I can recall, as an analyst.

1 MR. DYMOND:

54

2 If the Court please, we submit that the  
3 witness is not qualified as an expert  
4 in that field.

5 THE COURT:

6 Well, the Article on expert testimony  
7 states in Article 464 of the Code  
8 of Procedure:

9 "On questions involving a  
10 knowledge obtained only by means of  
11 a special training or experience,  
12 opinions of persons having such  
13 special knowledge are admissible as  
14 expert witnesses."

15 In a footnote it says:

16 "It is not necessary for a person  
17 to have scientific professional or  
18 technical training in order to be  
19 able to draw inferences or conclu-  
20 sions. He may gain such special  
21 knowledge from practical experience  
22 and observation in his line of work  
23 as to qualify him to express an  
24 opinion concerning a fact."

25 (REPORTER'S NOTE: The above quotation

1 is transcribed from the notes as they  
2 lie. The reader is referred to the  
3 source.)

4 MR. DYMOND:

5 If the Court please, this witness has not  
6 even had experience in the field of  
7 photographic analysis to the extent  
8 that would qualify him under that  
9 Article.

10 THE COURT:

11 You are using the word "analysis"; I  
12 think the word would more properly  
13 be "explain" or "interpret."

14 MR. DYMOND:

15 Interpretation or analysis.

16 THE COURT:

17 I am going to rule that Mr. Schuster is  
18 qualified as far as I am concerned  
19 as an expert in this field because  
20 of his practical experience over the  
21 years plus his schooling, and I will  
22 permit him to give an opinion or  
23 interpretation or explain in full.

24 MR. DYMOND:

25 To which ruling Counsel reserves a bill,



1 making the objection to the  
2 qualification of the expert, his  
3 entire testimony on the laying of  
4 the predicate, the reason for our  
5 objection, the ruling of the Court,  
6 and all of the testimony up until  
7 this point parts of the bill.

8 THE COURT:

9 Very well.

10 You may proceed, Mr. Oser.

11 DIRECT EXAMINATION RESUMED

12 BY MR. OSER:

13 Q (Exhibiting photographs to witness)

14 Mr. Schuster, I now show you State  
15 Exhibits S-51 and S-52 and ask you whether  
16 or not you have ever seen these exhibits  
17 before.

18 A I have, sir.

19 Q And where have you seen them before,

20 Mr. Schuster?

21 A Well, I have had them in my possession. I  
22 received them on January 20 from you,  
23 sir.

24 Q From me?

25 A From you.

1 Q And how long did you have these pictures in  
2 your possession?

3 A Till February 13.

4 Q Of 1969?

5 A 1969.

6 Q While these photographs or pictures or exhibits  
7 were in your possession, did you have an  
8 occasion to do any particular type of work  
9 or examination of these exhibits? If so,  
10 what?

11 A I examined these photographs from January 20  
12 until February 10, 1969 before anything  
13 was done with them.

14 Q Can you tell me, Mr. Schuster, approximately  
15 how much time you spent in examining these  
16 photographs during that period of time?

17 A Oh, I couldn't estimate the amount of hours,  
18 but if I had to, 50 or 60 hours.

19 Q Now, as a result of your having examined these  
20 photographs -- and I speak more specifi-  
21 cally of State Exhibit 51 -- I ask you if  
22 you had occasion to examine it and arrive  
23 at any conclusion in regard to a specific  
24 area depicted in that photograph.

25 MR. DYMOND:

1 If the Court please, we object to this now 58

2 on the ground that it has no place  
3 in rebuttal. We have offered no  
4 testimony in the presentation of the  
5 Defense's case concerning these  
6 photographs, nor have we offered  
7 testimony concerning anything depicted  
8 in these photographs. The State is  
9 in the midst of rebuttal now, and  
10 this is not rebuttal evidence.

11 THE COURT:

12 I will be glad to hear from the State in  
13 reply to Mr. Dymond.

14 MR. OSER:

15 If the Court please, this witness is being  
16 offered in rebuttal in reply to the  
17 Defense's testimony that all the  
18 shots came from the rear.

19 MR. DYMOND:

20 If the Court please, I submit that if  
21 the Court will examine these  
22 photographs, that they have no  
23 bearing on the question of whether  
24 all the shots came from the rear or  
25 not.

1 MR. ALCOCK:

2 Your Honor, that is a matter of weight;  
3 the Jury must decide, not Mr. Dymond.

4 MR. DYMOND:

5 If the Court please, Your Honor can pass  
6 on the question of whether it is  
7 rebuttal testimony.

8 THE COURT:

9 I pass on the admissibility, not the  
10 weight -- the weight is for the Jury.  
11 I agree with Mr. Alcock that the Jury  
12 should determine the weight. Is that  
13 your objection?

14 MR. DYMOND:

15 No, my objection is to the admissibility.  
16 They are restricted to rebutting  
17 what we put on in the presentation of  
18 our case, and these photographs have  
19 nothing to do with that.

20 THE COURT:

21 Well, I think it is relevant, I think it  
22 is rebuttal, and I think your  
23 objection is to weight, not admissi-  
24 bility. Therefore, I overrule your  
25 objection.

1 MR. DYMOND:

2 To which ruling Counsel reserves a bill,  
3 making the question, the entire line  
4 of questioning to this witness, the  
5 two photographs, S-51 and S-52, the  
6 objection, the reasons for the  
7 objection, the ruling of the Court  
8 and the entire testimony up to now,  
9 parts of the bill.

10 THE COURT:

11 Would you like to rephrase your question?

12 MR. OSER:

13 I will, I will rephrase it.

14 MR. DYMOND:

15 Excuse me, Mr. Oser. I would like to have  
16 it understood that my bill applies to  
17 all questions propounded in connection  
18 with these photographs on rebuttal.

19 THE COURT:

20 Very well. Let it be noted in the record.

21 BY MR. OSER:

22 Q Mr. Schuster, directing your attention to

23 State Exhibit 51, I ask you whether or not  
24 you had occasion to examine any particular  
25 area contained in that photograph.

1 A I did, sir.

2 Q And what particular area did you examine, sir?

3 A The right top corner.

4 Q And what type of examination did you conduct in  
5 regards to the right top corner?

6 A I rephotographed it -- copied it in plain words  
7 -- and blew this area up to a great  
8 proportion.

9 Q Do you have any such blow ups or exhibits in  
10 your possession, with you, sir?

11 A I do.

12 Q May I have them?

13 A Yes (producing blow ups).

14 THE COURT:

15 Show them to Mr. Dymond.

16 MR. OSER:

17 I am, Your Honor.

18 THE COURT:

19 Are these blow ups?

20 MR. OSER:

21 Yes, sir.

22 THE WITNESS:

23 These are, yes, sir.

24 MR. OSER:

25 What is the next State number, if

the Court please?

62

THE CLERK:

Eighty-three.

MR. OSER:

I will mark this for identification "S-83."

(Whereupon, the photograph referred  
to by Counsel was duly marked for  
identification as "Exhibit S-83.")

BY MR. OSER:

Q (Exhibiting photograph to witness) I show you,

Mr. Schuster, what the State has now  
marked for purposes of identification  
"S-83," and I ask you if you can identify  
that particular exhibit. If so, how?

A I can identify it; my signature is on the  
reverse side of the photograph.

Q Did you make and develop this particular  
photograph?

A I did, sir.

Q And what did you make this photograph from,  
Mr. Schuster?

A From an original 8 x 10, which is marked "S-51."

MR. OSER:

We will mark the next one "S-84."

(Whereupon, the photograph referred

1 to by Counsel was duly marked for  
2 identification as "Exhibit S-84.")

3 BY MR. OSER:

4 Q (Exhibiting photograph to witness) I now show  
5 you that which has been marked "S-84" for  
6 purposes of identification, and I ask you  
7 whether or not you can identify that  
8 exhibit, and, if so, how.

9 A My signature is on the reverse side of the  
10 photograph also.

11 Q And what does that photograph depict?

12 THE COURT:

13 What a minute. The signature being on it  
14 doesn't mean anything. You took it?

15 THE WITNESS:

16 It is my signature and I photographed it.

17 THE COURT:

18 I see. You took it yourself. The fact  
19 that your signature is on it -- you  
20 actually did the work?

21 THE WITNESS:

22 Right.

23 BY MR. OSER:

24 Q And what does that particular photograph, "S-84,"  
25 for purposes of identification,



represent, Mr. Schuster?

A What does it represent?

Q Yes. What did you take a picture of, if you did?

A Took a picture of -- in my opinion, it was a man.

Q And where did you take that?

MR. DYMOND:

Your Honor, that is the type of testimony that we object to this witness being able to give. He is not qualified on it.

THE COURT:

Well, I have already qualified him, I ruled on that a few minutes ago.

MR. DYMOND:

No, he hadn't given that type of answer.

If the Court please, we submit on this type of answer this man is not qualified to give it any more than you or I.

THE COURT:

I disagree with you. I ruled on that a few moments ago.

MR. DYMOND:

1 All right. To which ruling again I  
2 reserve a bill of exception, making  
3 the entire testimony, the exhibits  
4 S-83 and S-84, the ruling of the  
5 Court, the reason for the objection,  
6 and all the testimony parts of the  
7 bill.

8 THE COURT:

9 I ruled, Mr. Dymond, for the sake of the  
10 record, that because of his ten  
11 years experience and training and  
12 schooling he could give his  
13 interpretation and could explain a  
14 photograph that he took himself.

15 MR. DYMOND:

16 Very well.

17 THE COURT:

18 That was my ruling a few moments ago.

19 You may proceed, Mr. Oser.

20 BY MR. OSER:

21 Q Mr. Schuster, can you tell me how S-84 for  
22 purposes of identification, came about?  
23 How did you come to take this picture?

24 A Upon blowing up S-83 it was evident, in my  
25

1 opinion, that there was a man in the right  
2 corner of S-83, so, in turn, S-83 was  
3 enlarged and is now S-84.

66

4 Q And in doing these blow ups and taking the  
5 pictures and developing of the negatives  
6 and the printing of the two exhibits you  
7 hold in your hand, did you do that  
8 yourself?

9 A I did, sir.

10 Q (Exhibiting photograph to witness) I now show  
11 you what the State marks for purposes of  
12 identification "S-85," and I ask you if  
13 you can identify that exhibit.

14 A I identify it as a copy of a photograph I have  
15 taken. My signature appears on the  
16 reverse side.

17 (Whereupon, the photograph referred  
18 to by Counsel was duly marked for  
19 identification as "Exhibit S-85.")

20 BY MR. OSER:

21 Q Did you take that particular photograph and  
22 develop the negative, and print same?

23 A I did, sir.

24 Q And what does that photograph, which is marked  
25 "S-85" for purposes of identification,

1 depict?

2 A It depicts the top rear corner of S-51. On the  
3 left side of the photograph and on the  
4 right top corner is an extreme blow up of  
5 the man in the photograph.

6 Q Am I correct in stating, Mr. Schuster, that  
7 S-85 contains S-83 and -84 that you  
8 developed?

9 A It does, sir.

10 Q Now, Mr. Schuster, using State Exhibit 51, can  
11 you point out for me the area on that  
12 particular photograph where you said after  
13 you had a chance to observe and examine  
14 this particular photograph, that you saw  
15 what appears to be a man?

16 A Top right corner right here (indicating).

17 Q Can you circle it for me, please, with this  
18 fountain pen?

19 A The whole area that was photographed originally?

20 Q The area in which you found the images, if you  
21 found any.

22 A (The witness complied.)

23 Q (Exhibiting photograph to witness) I show you  
24 State Exhibit, for purposes of identifi-  
25 cation, S-83, and I ask you if you will

1 mark that area also.

2 A (The witness complied.)

3 Q I ask you the same question with regards to  
4 S-84.

5 A (The witness marked the exhibit as requested.)

6 Q And the same question in regards to S-85.

7 A (The witness marked the exhibit as requested.)

8 MR. OSER:

9 At this time, Your Honor, if the Court  
10 please, the State wishes to offer,  
11 introduce and file into evidence  
12 that which has just been marked for  
13 purposes of identification "S-83,  
14 S-84," and "S-85."

15 THE COURT:

16 Is there any objection?

17 MR. DYMOND:

18 Yes, we object on the same grounds that we  
19 objected to the testimony of this  
20 witness, Your Honor.

21 THE COURT:

22 My ruling is the same.

23 MR. DYMOND:

24 And we would like to reserve the same  
25 bill, making these exhibits parts of

1 the bill together with the other  
2 material I included in the other bill.

3 BY MR. OSER:

4 Q Now, Mr. Schuster, showing you State Exhibit 85,  
5 I ask you whether or not you had an  
6 occasion to make any further copies of  
7 S-85?

8 A I did.

9 Q Do you have them with you?

10 A I do.

11 Q Would you compare the copies of S-85 that you  
12 have and tell me whether or not they were  
13 taken from the same negative and represent  
14 the same thing as depicted in S-85.

15 A It does.

16 Q Did you have an occasion, on the copies of  
17 S-85, to mark any particular areas on that  
18 photograph, on those photographs?

19 A I did.

20 Q And what areas were those, sir?

21 A (Indicating) These two right top corners.

22 Q May I have them, please?

23 A (Photographs handed to Counsel.)

24 Q Mr. Schuster, these fourteen copies, do all of  
25 them contain your signature?

1 A It does.

2 MR. OSER:

3 At this time, Your Honor, the State  
4 requests permission to display these  
5 copies to the Jury before further  
6 testimony in connection with this  
7 witness.

8 MR. DYMOND:

9 We join in the request, if the Court  
10 please.

11 THE COURT:

12 Very well.

13 (Photographs displayed to the Jury.)

14 BY MR. OSER:

15 Q Now, Mr. Schuster, in regards to State Exhibit  
16 85, which I now show you, can you tell me  
17 what type of analysis or examination that  
18 you performed in the particular areas that  
19 are circled, and what the results of your  
20 examinations were?

21 A Well, this area was photographed, and in  
22 reproducing this area to an extremely  
23 large (size) it was found -- this man's  
24 head was found, this man in this right  
25 corner on the larger of the two pictures.

1 MR. DYMOND:

2 Now, if the Court please, I object to  
3 this witness saying what was on a  
4 larger one. If it is larger than  
5 these, let him bring it into court.

6 THE WITNESS:

7 I am speaking of the larger of two on  
8 this one sheet.

9 MR. WILLIAM WEGMANN:

10 The larger of the two circles?

11 THE WITNESS:

12 Right. The one circled on the left, I  
13 blew it up to what is on the right,  
14 to about as large as I think this  
15 negative could be blown and still be  
16 visibly clear.

17 THE COURT:

18 I believe his question to you was, after  
19 the so many hours that you said you  
20 examined it, what did your examina-  
21 tion consist of. Was that the  
22 question?

23 THE WITNESS:

24 In photographing the particular picture  
25 from different angles -- not angles



1 but different areas I should say --  
2 and studying them with magnifying  
3 glasses to find out if there were  
4 any people in the pictures, this is  
5 the only one, in my opinion, I could  
6 say is definitely a person.

7 BY MR. OSER:

8 Q And what led to your opinion, Mr. Schuster, in  
9 your mind after having examined this  
10 photograph, that that is the image of a  
11 man?

12 A Because all his features are there. I mean you  
13 can see it is a man by looking at the  
14 photograph.

15 THE COURT:

16 I have a magnifying glass if you wish to  
17 use it, I mean if you wish to make  
18 use of it.

19 THE WITNESS:

20 Now, on the small circle it is much  
21 clearer, because the larger you blow  
22 up anything the more detail you are  
23 going to use, and you can see his  
24 head, his collar, his hand, his hair,  
25 his eyes, his nose, his whole face

as far as I am concerned.

73

BY MR. OSER:

Q Can you see anything else in regard to this particular man besides his features, in your opinion?

THE COURT:

Wait a minute (handing magnifying glasses to jury).

THE WITNESS:

He appears -- appears to be holding something.

MR. OSER:

I tender the witness.

CROSS-EXAMINATION

BY MR. DYMOND:

Q Mr. Schuster, am I correct in understanding that you are testifying under oath that you have a firm opinion that that photograph definitely shows a man in it?

A In my opinion. In my opinion there is no doubt that is a man.

Q Is there definitely a gun there, too?

A Now, I didn't say that. I don't know what that is, I have no idea what that is.

Q But you can look at that photograph and tell us

1 definitely, in your opinion, there is a  
2 man, is that right?

3 A That is right.

4 MR. DYMOND:

5 That is all.

6 MR. OSER:

7 Your Honor, at this time --

8 THE COURT:

9 Just a second, Mr. Oser. The Jury is  
10 still examining. Why don't you let  
11 them finish examining and then I will  
12 hear from you.

13 MR. OSER:

14 I am just asking permission to display  
15 the other exhibits to the Jury at  
16 the same time, if the Court please.

17 THE COURT:

18 Very well.

19 (Photographs displayed to the Jury.)

20 MR. OSER:

21 If the Court please, the State has no  
22 further use of Mr. Schuster, and  
23 we ask that he be excused.

24 THE BAILIFF:

25 Order in court, please.

1 THE COURT:

2 Gentlemen of the Jury, you're not supposed  
3 to discuss with one another what you  
4 see, you have to keep that to  
5 yourselves and do that later. Don't  
6 confer with one another on what you  
7 find on there; you may be tempted to  
8 do it but you can't do it.

9 I think they are ready to return  
10 the photographs.

11 MR. OSER:

12 May Mr. Schuster be excused from the  
13 subpoena, Your Honor?

14 THE COURT:

15 Mr. Schuster, you are excused, released  
16 from the legal obligations of the  
17 subpoena.

18 I see Dr. Rabin. We are going  
19 to take a five-minute recess. Take  
20 the Jury upstairs.

21 (Whereupon, a brief recess was taken.)  
22  
23  
24  
25

1 AFTER THE RECESS:

2 THE COURT:

3 Just for the record, I had a note from  
4 Sheriff Heyd that one of the jurors  
5 or maybe more than one was to see  
6 a doctor, so we sent Dr. Rabin,  
7 the Coroner, up to see him. Now,  
8 he has been seeing these jurors  
9 every Friday and was intending to  
10 go see them this evening at the  
11 Rowntowner. It is nothing serious,  
12 but that is as far as I can go.

13 All right. Bring the jury in.

14 (Jury returns to the box.)

15 THE COURT:

16 All right.

17 Gentlemen, are the State and the Defense  
18 ready to proceed?

19 MR. GARRISON:

20 The State is ready.

21 MR. DYMOND:

22 The Defense is ready.

23 THE COURT:

24 Call your next witness.

25 MR. GARRISON:

1 I call Elizabeth McCarthy.

2 ELIZABETH MCCARTHY,

3 a witness called by and on behalf of the State,  
4 having been first duly sworn, was examined and  
5 testified as follows:

6 DIRECT EXAMINATION

7 BY MR. GARRISON:

8 Q Mrs. McCarthy, would you give us your full  
9 name, please.

10 A Elizabeth McCarthy Badlian. I use my maiden  
11 name, McCarthy, in business.

12 Q What is your business?

13 A I am an examiner of questioned documents,  
14 ordinarily called a handwriting expert.

15 Q Would you please state your education and  
16 your training in that field.

17 A I have an AB degree from Vassar College, an  
18 ABS degree from Simmons College and an  
19 LLB from Worcester Law School. I studied  
20 identification of handwriting, type-  
21 writing, paper, rubber stamps, alter-  
22 ations, and erasures, ink, anything  
23 that goes to make up a document, with  
24 William E. Hingston, a noted documents  
25 authority, and the action of ink and

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1 other reagents on paper with Dr. Charles 78  
2 Schmidt, an ink chemist. I have been --

3 Q Excuse me.

4 A Go right ahead.

5 Q Had you ever been qualified in any other  
6 states before this?

7 A Yes. I have testified during the last 32  
8 years in 28 states, the District of  
9 Columbia, and three foreign countries,  
10 where document evidence was material.

11 Q Would you tell us of any important cases  
12 that you have worked on during those  
13 years.

14 MR. DYMOND:

15 Your Honor, we object to this. When  
16 we asked the same question, it was  
17 denied.

18 THE COURT:

19 I stopped you from going into the  
20 Lindbergh case. I will sustain  
21 the objection.

22 MR. ALCOCK:

23 The Court just mentioned the case.

24 THE COURT:

25 I know, but he asked the question. That

1 is when I stopped him, I said the  
2 man shouldn't go into it and tell  
3 us.

4 BY MR. GARRISON:

5 Q Well, during the last 15 years how many  
6 questioned document cases have you  
7 testified in as an expert?

8 A I get two cases a day involving questioned  
9 documents, and on the average about a  
10 quarter of them go to court, the others  
11 are settled on opinion.

12 MR. GARRISON:

13 Your Honor, I submit the witness as an  
14 expert on questioned documents.

15 THE COURT:

16 Do you wish to traverse?

17 MR. DYMOND:

18 Just a few questions, your Honor.

19 TRAVERSE EXAMINATION

20 BY MR. DYMOND:

21 Q Mrs. McCarthy, you testified that you had an  
22 AB degree, is that right?

23 A Yes.

24 Q Now, was there any handwriting study in con-  
25 nection with that AB degree?



1 A No, that was a baccalaureate degree except  
2 for the study of chemistry.

3 Q How about your Bachelor of Sciences?

4 A No, that was a business degree.

5 Q And your legal degree, that is, your LLB  
6 degree, did you study handwriting in  
7 connection with that?

8 A No.

9 Q Now I understand that you have studied hand-  
10 writing and document analysis under two  
11 individuals, is that correct?

12 A Yes.

13 Q Who was the first one whom you named?

14 A William N. Hingston, H-i-n-g-s-t-o-n.

15 Q I see. When did you take this course under  
16 Mr. Hingston?

17 A I studied with him for three or four years  
18 from around 1930 to 1933 or '34.

19 Q And who was the other individual?

20 A Charles Schmidt, S-c-h-m-i-d-t.

21 Q And when was that and for how long?

22 A That was intermittently when there were new  
23 ink problems, like when ballpoint pens  
24 came in in 1945, and quick-drying ink  
25 and various other things.

1 Q Now with respect to Mr. Hingston, was that  
2 a formal school that he was conducting?

3 A No. He wrote three books on the subject and  
4 he --

5 Q I mean how did you happen to study under him?

6 A Well, I had passed -- accidentally. I had  
7 passed the bar, and my law office adjoined  
8 his, and I became interested. I think  
9 after the Lindbergh case many people  
10 were interested in handwriting, and  
11 therefore I just started studying and  
12 started more and more to give time to  
13 it.

14 Q I see. This man had an office next to yours  
15 and you used to go by there?

16 A And a laboratory. Yes, that is right.

17 Q And was that the extent of your training  
18 under him?

19 A No. I familiarized myself, of course, with  
20 all the authorities on the subject, and  
21 read, of course, accounts of famous  
22 cases. I have amassed typewriter  
23 specimens -- as you know, these machines  
24 change very rapidly -- and patterns and  
25 ink and paper specimens. It is a

continuous learning process.

Q I see. And the other training that you mentioned when the ballpoint pen came out, you said that was intermittent training?

A I beg your pardon?

Q The other training that you had at the time that the ballpoint pen came into popular usage.

A I studied about --

Q May I finish, please. You say that wasn't intermittent training that you had with that individual?

A No, I say I studied with him originally at the time I studied with Dr. Hingston, and then as various problems, new problems, came along, I spent hours -- because he was an authority -- learning about those.

Q Now, where is your office located, Mrs. McCarthy?

A 40 Court Street in Government Center in Boston, Massachusetts.

A I see. That is all, Ma'am.

MR. GARRISON:

Let me ask one more question.

1 THE COURT:

2 I don't think it is necessary.

3 MR. GARRISON:

4 All right. Submitted.

5 THE COURT:

6 If it is submitted, I will rule that the  
7 witness, Mrs. Elizabeth McCarthy,  
8 is qualified as an expert in the  
9 field of questioned documents and  
10 can give her opinion in relation  
11 to that field.

12 CONTINUATION OF DIRECT EXAMINATION

13 BY MR. GARRISON:

14 Q Mrs. McCarthy, did you have occasion to  
15 examine some exemplars of the genuine  
16 handwriting of Clay Shaw in this case?

17 A Yes.

18 MR. GARRISON:

19 May I have Exhibits D-30 through D-43.  
20 (Documents handed to Counsel.)

21 BY MR. GARRISON:

22 Q (Exhibiting documents to witness.) I show  
23 you some documents marked "D-30"  
24 through "D-43", and I ask you to  
25 familiarize yourself with them and see

1 if you have ever seen them before.

2 A Yes, I have.

3 Q When did you see these previously?

4 A I saw copies of them, photostats, and --

5 MR. DYMOND:

6 Your Honor, we object.

7 A (Continuing) -- and the originals.

8 THE COURT:

9 What is your objection?

10 MR. DYMOND:

11 We object to this witness testifying  
12 she saw copies of these, your  
13 Honor, unless it is first estab-  
14 lished, your Honor, that they were  
15 copies. We have no way of knowing  
16 what she actually saw.

17 THE COURT:

18 Mr. Garrison, would you pursue the field  
19 of where she got the copies first,  
20 and we will find out if they were  
21 copies.

22 BY MR. GARRISON:

23 Q Mrs. McCarthy, did you see those documents  
24 before?

25 A Yes.

1 Q Under what circumstances did you see them?

2 A I examined these documents D-30 through D-43  
3 in the property room in the cellar of  
4 this building.

5 Q Are those the same documents you are holding  
6 in your hands that you examined?

7 A Yes.

8 THE COURT:

9 I will rule that she may testify con-  
10 cerning these documents.

11 When you say the property room, you mean  
12 the property room of the Clerk's  
13 Office in the Criminal District  
14 Court, which is located in the  
15 cellar, the basement of this build-  
16 ing?

17 THE WITNESS:

18 That is right, your Honor.

19 THE COURT:

20 You may proceed.

21 BY MR. GARRISON:

22 Q Now, thereafter did you have occasion to make  
23 a study of a questioned signature which  
24 in State Exhibit S-55 reads as: "Clay  
25 Bertrand" (exhibiting document to

1 witness) and I show you the signature,  
2 S-55 being the VIP signature. I ask you  
3 if you have ever seen this signature,  
4 "Clay Bertrand," before (exhibiting  
5 document to witness).

6 A. Yes.

7 Q All right. Now suppose we put this ques-  
8 tioned signature right there for a  
9 moment. Now, as a result of your  
10 studies of the signatures of the Defen-  
11 dant Clay Shaw, and Defense Exhibits  
12 30 through 43, and as a result of your  
13 study of Exhibit State-55, did you reach  
14 any conclusion?

15 A Yes.

16 Q Would you state your conclusion.

17 A It is my opinion that it is highly probable  
18 that Clay Shaw signed the name "Clay  
19 Bertrand" on the -- is that Exhibit 50?

20 Q That is State Exhibit 55.

21 A -- on State Exhibit 55 on the last line of  
22 the page, 12/14/66.

23 Q Would you give us your reasons for that  
24 conclusion?

25 A I find all of Mr. Clay's (sic) normal,

1 natural, unconscious writing habits in  
2 this questioned exhibit, "Clay Bertrand."  
3 He is a very facile, graceful writer, he  
4 writes with certain proportions, certain  
5 types of initial and connecting and ter-  
6 minal strokes with a light, even, quick  
7 pen line. All of these characteristics  
8 I find in the questioned exhibit. This  
9 is an unusually agile, able writer, and  
10 the writing agility and ability in both  
11 is remarkably similar. In addition to  
12 that I find similarities in all of his  
13 letters with the exception of the capi-  
14 tal "B." I do not find a capital "B" made  
15 exactly in the fashion of the ques-  
16 tioned signature, and this may not be  
17 unusual because this man was not writing  
18 his own last name and therefore it is  
19 not unusual when you write the capital  
20 letter of a name that is not your own  
21 to write it in a different fashion from  
22 your normal writing habits. I find his  
23 particular type of small "a", small "e",  
24 the "r", which is made like an undotted  
25 "i", the small "n" also. The terminal



1 "d" is a rather unusual type of small  
2 "d". Many of us have two or three ways  
3 of making letters, and his perhaps more  
4 usual way, at least in these samples, is  
5 a final "d" that just goes up in the  
6 air with a hook, whereas this "d" re-  
7 turns and is a looped stroke, and that  
8 is found I believe in Exhibit 34, D-34,  
9 Exhibit D-35 -- all of these are --  
10 Exhibit D-42 and D-43. He has a trouble  
11 spot in the capital "N" in New Orleans,  
12 he sometimes retraces it, makes it with  
13 a little more difficulty than perhaps  
14 the rest of the writing which is very  
15 flowing. And the final part of this  
16 letter is a capital "V". It is a down-  
17 stroke, sometimes it is a repeated down-  
18 stroke. Then the final stroke is a  
19 capital "B" with curved edges. The "o"  
20 is an ovate letter with the downstroke  
21 coming through the center of the "o".  
22 I find in the rest of the "Orleans"  
23 similarities in direction, in shape of  
24 the letters, and it is his habit to  
25 make a long -- in many instances, for

instance on Exhibit D-30, to make a long  
straight comma between the "New Orleans"  
and "Louisiana." D-34 and D-30 and some  
others have this straight comma that is  
rather long and goes well below the  
line. Mr. Clay (sic) at times makes a  
capital "L" in "Louisiana" with a curved  
top looped, and other times without one,  
a curved top loop and a loop at the left  
and at the bottom of the stroke for one  
that is comparable to the one on the  
questioned -- I mean D-34. I guess that  
is the only one in which he made a curved  
top, but he makes an understroke on the  
"L" which is like an "H". It is quite a  
large curved upstroke. I am not identi-  
fying the figures because I don't be-  
lieve I have sufficient, but the pen  
line in the figures -- I don't have  
sufficient basis for the figures -- the  
pen line in the figures is very much  
like his. The direction of the dia-  
gonal and the hooped overstroke is very  
comparable and similar to his.

For all these reasons, since I find no appre-

1                   ciable variations, I have come to the  
2                   opinion that I just gave.

3           MR. GARRISON:

4           Mr. Dymond, your witness.

5                   CROSS-EXAMINATION

6   BY MR. DYMOND:

7   Q       Mrs. McCarthy, when were you first retained  
8           on this case?

9   A       I believe it was yesterday.

10  Q       Yesterday?

11  A       Yes.

12  Q       And when did you arrive here in New Orleans?

13  A       Last night.

14  Q       And when did you commence your comparative  
15           study of these documents?

16  A       Last night.

17  Q       Where?

18  A       Well, photographs I had. I didn't have the  
19           originals, I had photographs at my  
20           hotel.

21  Q       When was the first time that you saw the  
22           originals?

23  A       This morning.

24  Q       Now, did you bring any photographic equipment  
25           with you when you came down?

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- 1 A No. I wouldn't have time to make them. I  
2 understood the trial was ending.
- 3 Q And how much time did you spend in connection  
4 with your analysis of these handwriting  
5 samples of --
- 6 A I think four or five hours.
- 7 Q How much time do you usually spend in examin-  
8 ing a questioned document and comparing  
9 it with other writings for the purpose  
10 of arriving at a conclusion or an  
11 opinion?
- 12 A Different times depending on the difficulty  
13 of the problems.
- 14 Q Do you think this was a real easy problem  
15 here?
- 16 A I don't think it is hard, no.
- 17 Q You don't think it is hard?
- 18 A No.
- 19 Q Have you worked with any enlargements?
- 20 A Yes, I would have liked to have enlargements.
- 21 Q I say, did you work with any?
- 22 A No.
- 23 Q You never did?
- 24 A I examined them microscopically. I have a  
25 binocular document microscope.

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1 Q And what equipment did you bring down here  
2 with you, Mrs. McCarthy?

3 A I will show you (opening case). This is the  
4 binocular document microscope, and these  
5 are two little Lupes -- L-u-p-e-s --  
6 they call them.

7 Q I see. Now, are you being paid to testify  
8 in this case, Mrs. McCarthy?

9 A Well, I hope so; it is my business.

10 THE BAILIFF:

11 Order in court.

12 BY MR. DYMOND:

13 Q Well, do you have an agreement to be paid?

14 A No, I don't. Mr. Garrison said to submit my  
15 bill. He really didn't ask me about  
16 fees.

17 Q You do expect to charge a fee though?

18 A Naturally, that is my business.

19 MR. DYMOND:

20 That is all, ma'am.

21 THE COURT:

22 Do you have any further need for the  
23 witness?

24 MR. GARRISON:

25 No, sir.

1 THE COURT:

2 Mrs. McCarthy, you are excused from the  
3 obligations of the subpoena.

4 (Witness excused.)

5 THE COURT:

6 Mr. Garrison.

7 MR. GARRISON:

8 Your Honor, some members of the Jury  
9 may have some curiosity about look-  
10 ing at these documents. Could we  
11 submit them to them now to look at  
12 them for a few minutes?

13 THE COURT:

14 All right. Let the jurors have the  
15 documents. Would you hand them to  
16 them, Mr. Sullivan.

17 (Documents exhibited to Jury.)

18 MR. DYMOND:

19 If the court please, we will ask at this  
20 time that the enlarged exhibit con-  
21 taining the signatures be brought  
22 out here so that the Jury may see  
23 that, too. It is in evidence.  
24 Where is it -- back in your Honor's  
25 office or what?

1 THE COURT:

2 I understand what you are talking about.

3 Is there any objection?

4 MR. ALCOCK:

5 No, your Honor, no, it is just one

6 Exhibit D-30.

7 THE COURT:

8 That is correct.

9 As soon as we finish this, we are going

10 to recess for lunch. I would

11 appreciate it if everybody would

12 sit still.

13 MR. ALCOCK:

14 If they want to observe this as they

15 are observing these exhibits, I

16 have no objection, but I don't

17 think we should highlight this

18 particular exhibit by putting it

19 on the board.

20 THE COURT:

21 I know of no other way for them to see

22 it.

23 MR. DYMOND:

24 I have no desire to highlight it. It is

25 a rather large exhibit.

1 THE COURT:

2 You may put it on the easel.

3 (Photographic blowup displayed  
4 on easel. Pause in the proceed-  
5 ing for examination of the  
6 documents.)

7 THE COURT:

8 Mr. Garrison, does the State intend to  
9 call any other witnesses?

10 MR. GARRISON:

11 No, your Honor.

12 THE COURT:

13 Then I would suggest to the State and  
14 the Defense that when we recess  
15 for lunch you let me have your  
16 requests for special charges so  
17 that I can be going over them when  
18 I prepare my general charge which  
19 I have been preparing for the last  
20 two days.

21 I might state, gentlemen, that I will  
22 have my charge Xeroxed and I will  
23 give both sides a copy of it before  
24 I charge the Jury.

25 As I understand it, gentlemen, we don't

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1 want to interfere with the jurors  
2 looking at this, but this is another  
3 matter. I understand the State has  
4 requested rebuttal evidence, and  
5 when we return from lunch, which  
6 we will go to in a reasonable time,  
7 Mr. Alcock, you asked previously --  
8 and it was not objected to by the  
9 Defense -- to give you some time  
10 to make some notes in anticipation  
11 of your opening argument.

12 MR. ALCOCK:

13 Your Honor, I will be prepared when we  
14 return from lunch.

15 MR. DYMOND:

16 Your Honor, we might mention to the  
17 Court at this time that there is  
18 a motion which we would like to  
19 file which should be filed out of  
20 the presence of the Jury and which  
21 we can either file after the Jury  
22 is taken out or before they come  
23 back.

24 THE COURT:

25 Well, --

1 MR. DYMOND:

2 It won't take but a couple of minutes.

3 THE COURT:

4 When we finish with this operation, I  
5 will have the Jury back for 1:30.  
6 We will hear your motion and let  
7 the jurors remain upstairs.

8 MR. DYMOND:

9 Fine.

10 THE COURT:

11 But as I understand, the State will be  
12 prepared to proceed with argument  
13 at 1:30 after we have heard your  
14 motion.

15 MR. ALCOCK:

16 Yes, Your Honor.

17 THE COURT:

18 And then we will go through with argu-  
19 ment at 1:30 until we finish it up  
20 this afternoon.

21 MR. ALCOCK:

22 Yes.

23 THE COURT:

24 I might tell the jurors that Dr. Rabin,  
25 the Coroner, will again visit with

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1           you gentlemen this evening. He is  
2           coming over to the motel to see you  
3           gentlemen.

4           I might state to the Jury that in my  
5           charge I will state to them that  
6           if they wish to examine any  
7           exhibits of the State or the De-  
8           fense, they are entitled to see  
9           them before they retire. Once  
10          they retire they cannot send for  
11          any documents, and the new law is  
12          that they cannot have any part of  
13          the testimony read back, they have  
14          to depend on their memory. Years  
15          ago they could read it back, now  
16          you cannot.

17          All right, gentlemen. Is the Jury  
18          finished?

19          I would like to let you gentlemen know  
20          that at 1:30, after we hear a  
21          motion from Mr. Dymond, the State  
22          will start the argument, and except  
23          for a brief pause at 3:00 or 3:30,  
24          when one person has finished argu-  
25          ing we will continue on with the

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1 argument for the rest of the after-  
2 noon, and then I will charge you on  
3 the law.

4 Again I must admonish and charge you not  
5 to discuss the case with any other  
6 persons until it is finally given  
7 to you for your decision and ver-  
8 dict.

9 We stand recessed until 2:00 o'clock.

10  
11 ....Thereupon, at 12:00 o'clock noon  
12 a recess was taken until 2:00 o'clock  
13 p.m. ....  
14  
15  
16  
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1 . . . . Pursuant to the recess, the  
2 proceedings herein were resumed at  
3 2:25 o'clock p.m., appearances being  
4 the same as heretofore noted in the  
5 record. . . .

6 THE COURT:

7 I remember, Mr. Dymond, you said you had  
8 a motion out of the presence of the  
9 Jury.

10 I would like to make one statement.

11 During the recess, when we recessed  
12 from five after twelve until just  
13 a few moments ago, -- what the  
14 judge includes in his charge and  
15 in his instructions to the Jury --  
16 various facets of the case develop,  
17 so the judge does not know until  
18 the case is finally submitted what  
19 he shall include in his charge, and  
20 that is what I have been doing  
21 since five after twelve, I have  
22 dictated it and it is being typed  
23 up now.

24 For the record, I asked Mr. Garrison  
25 just before we recessed, is that

1 the State's case, and I understand  
2 Mr. Alcock stated that the State  
3 has no further rebuttal witnesses.

4 MR. ALCOCK:

5 That is correct, Your Honor.

6 THE COURT:

7 Mr. Dymond, do you wish to make a motion?

8 MR. DYMOND:

9 If the Court please, at this time we  
10 would like to file our second  
11 motion for a directed verdict.

12 THE COURT:

13 Very well. Let me see it.

14 MR. DYMOND:

15 Rather than reiterate what I stated  
16 before in connection with our  
17 other motion, Your Honor, I would  
18 merely like to put forward --

19 THE COURT:

20 What?

21 MR. DYMOND:

22 I would like to submit to Your Honor  
23 those same arguments, as I am sure  
24 you will remember, together with  
25 the fact that according to the un-

refuted testimony of Dean Andrews, 101

it has been shown that the name  
"Clay Bertrand" had a completely  
fictitious origin, consequently  
rendering the case itself a fic-  
titious one.

We will submit it on that.

THE COURT:

Your motion for a directed verdict is  
denied.

MR. DYMOND:

To which ruling Counsel reserves a bill  
of exception, making the motion  
for a directed verdict, the entire  
record and testimony together with  
the ruling of the Court parts of  
the bill.

THE COURT:

Bring the Jury in.

(Jury returns to the box.)

THE COURT:

Are the State and the Defense ready to  
proceed?

MR. ALCOCK:

Yes, Your Honor.

1 MR. DYMOND:

103

2 We are ready.

3 THE COURT:

4 You may proceed.

5 MR. ALCOCK:

6 May it please the Court and Gentlemen of  
7 the Jury:

8 Gentlemen, let me begin by thanking you  
9 on behalf of the State of Louisiana  
10 and the District Attorney's office,  
11 first of all for serving on this  
12 Jury. I realize that it has been  
13 a personal sacrifice and certainly  
14 a sacrifice on the part of your  
15 employers as well as on the part of  
16 your families, and we do appreciate  
17 it and I am sure the City of New  
18 Orleans appreciates it.

19 Let me also thank you gentlemen at the  
20 outset for your kind attention.  
21 This has been a long tedious trial,  
22 oftentimes there have been some  
23 rather technical points gone into.  
24 There have been experts that have  
25 testified in this case, and I



1 realize as a layman -- and I am a  
2 layman also -- that sometimes this  
3 testimony became a little tedious  
4 and sometimes a little difficult to  
5 understand and sometimes a little  
6 difficult to follow, but I certain-  
7 ly do appreciate the attention that  
8 you have given to these witnesses.

9 Gentlemen, this is what is known as the  
10 State's Opening Closing Argument.  
11 I will attempt during the course  
12 of this argument to try to piece  
13 together for you the various bits  
14 and pieces of evidence as it un-  
15 folded from the witness stand. We  
16 have here parts of a puzzle, if you  
17 will, and I am going to attempt in  
18 this argument to bring these pieces  
19 of the puzzle together and to give  
20 you a clear image of just what the  
21 case is about. Naturally, during  
22 this argument I am going to high-  
23 light those things which I think  
24 most favorable to the State of  
25 Louisiana and to the prosecution

1 in this case.

2 Mr. Dymond and whoever else might argue  
3 for the Defense, in their argument  
4 will highlight those that they  
5 figure most favorable to the Defen-  
6 dant.

7 Now, Mr. Dymond will have a rebuttal  
8 argument, the State will have its  
9 rebuttal argument. It may seem on  
10 the surface somewhat unfair that  
11 the State is given two arguments  
12 as opposed to one for the Defense  
13 attorney, but I submit to you that  
14 the State carries a heavy burden,  
15 and that is proof beyond a reason-  
16 able doubt. Therefore, the Legis-  
17 lature of this State and most states  
18 throughout the United States accord  
19 to the prosecution two arguments.  
20 Therefore, you will hear from the  
21 State twice.

22 And then after Mr. Dymond and Mr.  
23 Wegmann, if Mr. Wegmann should  
24 argue, you will hear again from  
25 the State of Louisiana.

Gentlemen, at the outset of this trial

106

the State made what is known as an opening statement, and in that opening statement, which is not -- and I remind you again, is not -- evidence in this case, the State outlined in thumbnail fashion, schematic fashion, blueprint fashion, what it intended to prove during the course of the trial. The State was required by the law of Louisiana to make this opening statement; Defense Counsel was not required to make an opening statement. However, in this case, as is sometimes the situation, Defense Counsel chose to make an opening statement, and in his opening statement, gentlemen, he made certain promises to each and every one of you.

One promise that comes to my mind most readily and most clearly is this: that his client, Clay Shaw, not only did not conspire with David

1 this testimony from these people 10  
2 who had nothing to gain, the State  
3 proved certain important and  
4 crucial elements of its case.

5 The first man to take the stand was Mr.  
6 Lee McGehee, the barber from  
7 Jackson, Louisiana. He testified  
8 that Lee Harvey Oswald entered his  
9 barbershop and received a haircut  
10 from him in late August or early  
11 September, 1963. Now, there was  
12 nothing great or significant about  
13 this gentleman except the fact that  
14 his testimony also adduced these  
15 facts: Lee Harvey Oswald was  
16 interested in gaining employment  
17 in the East Louisiana State Hospi-  
18 tal at Jackson, Louisiana; Mr.  
19 McGehee directed Lee Harvey Oswald  
20 to Reeves Morgan, who was then the  
21 State Legislator for East Feliciana  
22 Parish. Lee Harvey Oswald arrived,  
23 gentlemen, or at least Mr. McGehee  
24 deduced he arrived in an old  
25 battered automobile and there was

1 was in fact in association with  
2 those two men.

3 So I submit to you gentlemen, within  
4 four hours the promise was broken  
5 and the Defendant was proven a  
6 liar.

7 Now, gentlemen, the State opened its  
8 case in Clinton, Louisiana. We  
9 heard from some six or seven wit-  
10 nesses from Clinton, Louisiana.  
11 These people are not involved in  
12 this case directly. These people,  
13 gentlemen, had nothing to gain by  
14 coming to the City of New Orleans  
15 and testifying, perhaps an environ-  
16 ment strange to them and certainly  
17 a courtroom strange to them. I  
18 doubt if any of them had ever  
19 testified in any criminal prosecu-  
20 tion before, and certainly not in  
21 a criminal prosecution of this  
22 significance or notoriety, not in  
23 a criminal prosecution in a court-  
24 room filled with reporters from  
25 all over the world. Gentlemen, by

1 W. Ferrie or Lee Harvey Oswald, but 107  
2 did not know either David W. Ferrie  
3 or Lee Harvey Oswald, and further,  
4 gentlemen, never laid his eyes on  
5 either one or both of these men.

6 Gentlemen, I submit to you that within  
7 four hours of the beginning of this  
8 trial that promise was broken. That  
9 promise, gentlemen, lay shattered,  
10 broken, and forever irretrievable  
11 in the dust of Clinton, Louisiana.

12 With that promise being broken, gentle-  
13 men, the Defendant before the Bar,  
14 that man right there (indicating),  
15 was a proven liar unworthy of your  
16 belief, and the Judge will charge  
17 you that if any witness, either for  
18 the State or for the Defense, lies  
19 on any material issue, you may dis-  
20 regard his entire testimony. And  
21 there can be no more material  
22 issue in this case than whether or  
23 not the Defendant, who is charged  
24 with having conspired with two men,  
25 did in fact know those two men and

1 a young lady in the automobile.

110

2 Now I want to at this time make it abun-  
3 dantly clear that the State does  
4 not claim that it identified that  
5 woman at all. The State is cer-  
6 tainly not coming before this Jury  
7 and saying that it was Marina  
8 Oswald, now Marina Oswald Porter,  
9 that drove him. I wish we could  
10 have identified her, I wish we  
11 could have brought her into the  
12 courtroom and presented her to  
13 you. But nevertheless he did  
14 appear on that occasion.

15 And Mr. McGehee did something else, he  
16 mentioned the name of Henry Earl  
17 Palmer, and not the necessity but  
18 the fact that it would serve  
19 Oswald well if he should register  
20 to vote in the area, since he was  
21 sending him to the State Legis-  
22 lator, and he mentioned Clinton,  
23 Louisiana.

24 Now, after this, gentlemen, and I submit  
25 as a direct result of this, Lee

1 Harvey Oswald went to the home of 111  
2 Reeves Morgan, again in the City  
3 of Jackson, Louisiana, or, as he  
4 put it, somewhere close by the city  
5 or on the outskirts of the city.  
6 He went into Mr. Morgan's home and  
7 at first introduced himself as  
8 Oswald. You recall Mr. Reeves  
9 Morgan saying that he mentioned  
10 the name of Oswald Chance, an  
11 acquaintance of his, asking Lee  
12 Harvey Oswald if perhaps he was  
13 related to Oswald Chance because  
14 of the similarity of the name  
15 Oswald. He also mentioned the  
16 possibility of Lee Harvey Oswald  
17 registering to vote, and the place  
18 to register to vote, gentlemen, was  
19 Clinton, Louisiana.

20 On the way out of the door, he had more  
21 than just the name Oswald, because  
22 Lee Oswald told him his name was  
23 Lee Oswald and he was from New  
24 Orleans, Louisiana.

25 After the assassination when Mr. Morgan



1 saw Lee Harvey Oswald on television, 112  
2 he had a conversation with Mr.  
3 McGehee. Mr. McGehee confirmed the  
4 fact that the man he sent to his  
5 home was the same man he, Mr.  
6 McGehee, had seen on television --  
7 Lee Harvey Oswald. Mr. Morgan went  
8 one step further. Mr. Morgan called  
9 the Federal Bureau of Investigation  
10 and told them of the presence of  
11 Lee Harvey Oswald and got the  
12 response, "We know he was in the  
13 area."

14 Gentlemen, I submit with just these two  
15 witnesses the State has proven  
16 beyond any doubt that Lee Harvey  
17 Oswald was in fact in the Jackson-  
18 Clinton area in late August, early  
19 September, 1963.

20 Now, gentlemen, there was at that time  
21 in the City of Clinton certainly  
22 an unfortunate confrontation. The  
23 situation was not normal. People  
24 unfortunately were suspicious of  
25 their neighbors and even more

1 suspicious of any strangers that  
2 might have been in the town of  
3 Clinton in late August or early  
4 September, 1963.

113

5 There was a voter registration drive  
6 going on. The lines had been  
7 drawn, CORE workers on one side,  
8 perhaps the Registrar on the other  
9 side, some people attempting to get  
10 people to register to vote, others  
11 perhaps on occasion attempting to  
12 prevent these people from voting.

13 Gentlemen, we are not talking about a  
14 normal time in a small country town  
15 in the State of Louisiana, we are  
16 talking about a critical time, a  
17 time of tension, a time where every-  
18 one of necessity, everyone by nature  
19 becomes much much more observant of  
20 the things around him than he or  
21 she might be on other occasions.

22 One day, gentlemen, in that time period  
23 a black Cadillac pulled up just  
24 close to the Registrar's office in  
25 the City of Clinton.

1                   There were many people present. One of  
2                   the persons present, gentlemen, was  
3                   Mr. John Manchester, Town Marshal  
4                   of Clinton, Louisiana. Now cer-  
5                   tainly, gentlemen, if there was  
6                   anyone who was keenly aware of the  
7                   explosive or possibly explosive  
8                   situation at the time, it was Mr.  
9                   Manchester. And unfortunately  
10                  sometimes these confrontations do  
11                  explode, sometimes from persons not  
12                  native to the area but from outside  
13                  agitators for either side coming in  
14                  and taking advantage of a tense  
15                  situation and exploding it. So he  
16                  was keenly aware, as the only local  
17                  law enforcement agent in Clinton,  
18                  Louisiana, at the time. He by his  
19                  nature and certainly by his duty  
20                  during that time was observant of  
21                  any and all strangers that came  
22                  into town. By his nature and duty  
23                  he was equally observant of all  
24                  strange automobiles that came into  
25                  town. On this morning, gentlemen.

-- perhaps it was toward noon, I don't recall the specific time but certainly let me say at this time it is your memory of the facts that is important, it is not my appreciation of the facts or Mr. Dymond's appreciation of the facts, it is your appreciation of the facts -- he went up to this black Cadillac car for a specific reason. He wanted to get a 1028 on it as they call it, he wanted to get some form of identification. Where were they from? Were they possible troublemakers? Could they in any way inflame an already tense situation? He was keenly aware of this, gentlemen, and he went to this car and inquired of the man behind the wheel where he was from.

"We are from the International Trade

Mart in the City of New Orleans."

Now I wonder how many people in the City of Clinton, Louisiana, up until that point had ever heard of the

1 International Trade Mart in the  
2 City of New Orleans. Mr. Manchester  
3 said that this was the first time  
4 he had ever heard of it. But he  
5 went further, gentlemen, and he  
6 positively and unequivocally and  
7 under oath identified that man  
8 there (indicating) as the driver  
9 of that automobile, the man who  
10 said he was from the International  
11 Trade Mart in the City of New  
12 Orleans.

13 Have you ever, gentlemen, thought of  
14 the probabilities of approaching  
15 a man in a strange town and having  
16 him say he is from the International  
17 Trade Mart in the City of New  
18 Orleans unless he is or unless he  
19 is in some way connected with the  
20 International Trade Mart? And we  
21 all know that in the summer of 1963  
22 he was connected with the Inter-  
23 national Trade Mart in the City of  
24 New Orleans. John Manchester  
25 positively identified the man, the

1 Defendant before the Bar, as the  
2 man in that car.

3 And again, gentlemen, the State -- and

4 I want to make this abundantly  
5 clear at this time -- the State is  
6 not wedded to the proposition, the  
7 State is not bound by the proposi-  
8 tion, and the State is not asking  
9 you definitely to believe that that  
10 black Cadillac on that day belonged  
11 to Jeff Biddison, a long-time friend  
12 of the Defendant, but it certainly  
13 is a curious coincidence that the  
14 Defendant knows Jeff Biddison, has  
15 used Jeff Biddison's car, and it  
16 was a black Cadillac, 1960 or '61,  
17 and, as the witnesses said, a  
18 brand-new or apparently new auto-  
19 mobile, shiny automobile. But the  
20 State is not saying necessarily  
21 that that was Jeff Biddison's  
22 automobile, because the State --  
23 unfortunately no one on that  
24 occasion got the license number  
25 of that car so we could check it

1 down and tell you positively and  
2 stand behind it as to the owner of  
3 that automobile.

4 Henry Earl Palmer testified, gentlemen  
5 --and this is the man that Oswald  
6 was referred to by the barber, Mr.  
7 McGehee -- he testified that he  
8 arrived at his office and it was  
9 his duty to register those attempt-  
10 ing to register during this drive.  
11 Most of the registrants in line  
12 were Negroes. However, there were  
13 two white men, or white boys as he  
14 called them, in that line. One of  
15 these white boys in that line was  
16 Lee Harvey Oswald.

17 Mr. Palmer told you of going back and  
18 forth getting coffee, told you of  
19 seeing these two men in that line,  
20 one of whom he positively identi-  
21 fied as Lee Harvey Oswald. Mr.  
22 Palmer also told you that he told  
23 some law enforcement officer to  
24 get a 1028 or an identification on  
25 the black Cadillac.

1 And Manchester told you that when he

119

2 assured Palmer that the people in  
3 the black Cadillac, the two men in  
4 the black Cadillac, were not trouble-  
5 makers, they were from the Inter-  
6 national Trade Mart, he made a  
7 little joke up to the effect that,  
8 "They are no trouble, Henry Earl,  
9 they must be here to sell bananas."

10 And this was testified to by Henry Earl

11 Palmer, who also saw that black  
12 Cadillac, who also said that the  
13 Defendant before the Bar fit the  
14 general physical characteristics  
15 of the man behind the wheel of that  
16 Cadillac, the man who John Man-  
17 chester positively identified under  
18 oath on that stand, and he also  
19 said, gentlemen, that the other man  
20 in the automobile had bushy eyebrows  
21 and when Mr. Sciambra showed him a  
22 picture of David Ferrie, he said he  
23 looked similar. I am not trying to  
24 fool this Jury at all. He did not  
25 positively identify David Ferrie,



1 nor did he positively identify the 120  
2 Defendant, but he said the man had  
3 the same general characteristics  
4 of the Defendant.

5 You recall that when Mr. Palmer first  
6 came the black automobile was not  
7 there. You recall though that  
8 throughout the day as he made his  
9 trips the automobile was there the  
10 entire time until he left his  
11 office at 5:45 p.m. You will  
12 recall further that when he left  
13 his office Oswald had already been  
14 to him, Oswald had firmly identi-  
15 fied himself as Lee Harvey Oswald  
16 attempting to register to vote.

17 And here is further corroboration of  
18 both Lee McGehee and Mr. Morgan,  
19 because Oswald was curious about  
20 the necessity of registering to  
21 vote to get the job at the East  
22 Louisiana State Hospital, and he  
23 was assured that that was not  
24 necessary. He was turned down on  
25 his voting registration because he

1                   could not show sufficient residence 121  
2                   in the Parish of East Feliciana.

3           Gentlemen, there again can be no doubt  
4           at all that Lee Harvey Oswald was  
5           in the barbershop, in Reeves  
6           Morgan's house, and he was in that  
7           voter registration line and he  
8           attempted to vote in Clinton,  
9           Louisiana, in late August or early  
10          September.

11          Now, gentlemen, that was essentially  
12          what you heard, and again from one  
13          side of the confrontation. The  
14          lines had been drawn. But there  
15          were also CORE workers who were  
16          attempting to have their people  
17          register, and I submit to you that  
18          they were just as conscious, maybe  
19          more so conscious than John Man-  
20          chester as to strangers in town,  
21          as to strange automobiles in the  
22          town, because they also were aware  
23          of the fact of a possible con-  
24          flagration, a possible explosion  
25          of a tense situation.

1 Corrie Collins took the stand in this

122

2 court room under oath and posi-

3 tively told this Jury some very

4 important things, and I submit he

5 had no reason to lie to this Jury.

6 He saw that black Cadillac pull up

7 with three individuals in it, two

8 in the front seat, one in the back

9 seat, and Corrie Collins positively

10 said the man in the back seat got

11 out of that automobile, went in the

12 voter registration line and stood

13 in that line to vote, and that

14 individual positively was Lee

15 Harvey Oswald, the man named as a

16 co-conspirator with the Defendant.

17 But he said even more than that. He

18 corroborates the fact that John

19 Manchester was then in that area,

20 he corroborates the fact that John

21 Manchester went to the window of

22 that automobile and spoke to the

23 driver of the automobile, and this

24 is exactly what Mr. Manchester

25 said, and that is when the Defen-

Reference copy, JFK Collection: HSCA (RG 233)

1                   dant told him they were from the  
2                   International Trade Mart.

123

3                   Corrie Collins went further. Corrie  
4                   Collins was in a position to better  
5                   see the individuals in the auto-  
6                   mobile, and under oath and in a  
7                   strange court room and in a strange  
8                   city he positively and unequivocally  
9                   and without any hesitation whatso-  
10                  ever pointed out the Defendant  
11                  before the Bar as the man who drove  
12                  that automobile, and he identified  
13                  a picture of David Ferrie as the  
14                  man in that automobile. And he was  
15                  conscious, gentlemen, of who was in  
16                  the City of Clinton, what they were  
17                  doing there, and what their reason  
18                  was for being there.

19                 He made a statement, gentlemen, that I  
20                 think we can all remember. There  
21                 were, because of the voter regis-  
22                 tration drive, many Federal people  
23                 apparently present, FBI, perhaps  
24                 the Justice Department, and, frank-  
25                 ly, he and Mr. Dunn, who testified

1 after him, thought that perhaps the  
2 parties in the automobile were from  
3 the Justice Department or the Federal  
4 Bureau of Investigation. When he saw  
5 John Manchester go to the car and  
6 inquire of the driver or speak with  
7 the driver, he made the statement,  
8 "They must be trading with the enemy."  
9 Because, gentlemen, at that time  
10 perhaps, and unfortunately so, at  
11 that time Mr. Manchester was probably  
12 the enemy to Corrie Collins and to  
13 William Dunn.

14 Mr. Dunn took the stand, gentlemen, and he  
15 corroborates the other witnesses in  
16 this case concerning the incident in  
17 Clinton, Louisiana. He was with or  
18 certainly saw Corrie Collins. He  
19 recalled the statement of Corrie  
20 Collins to the effect that they must  
21 be trading with the enemy. Gentle-  
22 men, this man had no reason to come  
23 into this courtroom and lie to you  
24 or to this Court. This man was con-  
25 cerned like the rest at that time

1 because of the tense situation, and  
2 he positively identified the Defen-  
3 dant before the Bar as the driver of  
4 that automobile, the same automobile,  
5 gentlemen, that Lee Harvey Oswald  
6 left to get in the voter registration  
7 line and to wait for his turn to talk  
8 to Mr. Palmer, and Mr. Palmer con-  
9 firmed the fact that Lee Harvey  
10 Oswald did in fact talk to him.

11 And as further corroboration, gentlemen --

12 and I hope not to be too long, I  
13 don't want to go down and list wit-  
14 ness by witness by witness and give  
15 you a recapitulation or summary of  
16 everything they said, because you  
17 outnumber me, you heard twelve times  
18 as much as I did, and certainly it  
19 is what you heard, and it is your  
20 appreciation of the testimony, and  
21 it is the weight that you want to  
22 give to the witnesses on that wit-  
23 ness stand that counts, not what I  
24 say.

25 Mrs. Dedon confirmed the fact that Lee

1 Harvey Oswald did eventually go to  
2 the East Louisiana State Hospital  
3 and ask her for directions to the  
4 Administration Building, and the  
5 Administration Building was where  
6 the Personnel Office was where a man  
7 would attempt to seek employment at  
8 the East Louisiana State Hospital.

9 Mrs. Kemp testified that she saw Lee  
10 Harvey Oswald's application in the  
11 files of the East Louisiana State  
12 Hospital. And there is something --  
13 there is something curious about  
14 this, and it is another coincidence  
15 perhaps. She said that the file  
16 card had "Harvey Lee Oswald." Gentle-  
17 men, there is only one person in this  
18 courtroom during this trial who ever  
19 admitted to calling Lee Harvey  
20 Oswald "Harvey Lee Oswald," and that  
21 was the Defendant before the Bar  
22 when he gave his interview the night  
23 after he was arrested.

24 Now, what has the State shown by the pre-  
25 sentation of these witnesses from

1 Clinton, Louisiana? I think it has  
2 demonstrated, I think it did demon-  
3 strate beyond a reasonable doubt at  
4 that juncture the Defendant was a  
5 liar totally unworthy of your belief,  
6 that in fact he did know Lee Harvey  
7 Oswald, that in fact he did know  
8 David W. Ferrie.

9 Gentlemen, after the evidence from Clinton,  
10 Louisiana, the State put on the  
11 stand certain police officers who  
12 had arrested Lee Oswald, certain  
13 evidence as to the distribution of Fair  
14 Play for Cuba Committee Leaflets.  
15 You saw these leaflets. Marina  
16 Oswald testified that she put the  
17 stamp on the leaflet, "A. J. HIDEELL."  
18 You have seen the leaflets. The  
19 interesting one and the significant  
20 one, gentlemen, was June 16, 1963.

21 Officer Gaillot said that he asked Lee  
22 Harvey Oswald, who was passing the  
23 leaflets out, to leave the Dumaine  
24 Street wharf. But what is critical  
25 here, gentlemen, is the fact that he



1 seized some leaflets and they were  
2 identical to the ones taken from him  
3 on Canal Street, the one identified  
4 by Marina Oswald on June 16, 1963.

5 And they were significant for this reason:

6 because the latter part of June, 1963,  
7 a State witness by the name of Vernon  
8 Bundy saw the Defendant and Lee  
9 Harvey Oswald on the Lakefront in  
10 this city, and, if you will recall,  
11 he said that he wrapped up his nar-  
12 cotics outfit in leaflets that said  
13 "FREE CUBA" or something of that  
14 nature. I showed him the leaflet  
15 taken from Lee Harvey Oswald earlier  
16 that same month, one of the leaflets  
17 taken from him earlier that same  
18 month, and he said it appeared to be  
19 the same.

20 Now let's consider the testimony of Vernon  
21 Bundy. Gentlemen, I want to make one  
22 thing abundantly clear. I do not  
23 apologize for Vernon Bundy or any  
24 witness that the State of Louisiana  
25 put on during this case. You take

1 your witnesses, gentlemen, as you  
2 find them. It would be fine if we  
3 had a lot of bank presidents come  
4 before you and tell you how they  
5 overheard the Defendant conspire to  
6 kill the President of the United  
7 States, but you are not going to  
8 find too many bank presidents associ-  
9 ating with Lee Harvey Oswald and  
10 David Ferrie and those of his stripe.

11 Vernon Bundy took that stand, gentlemen,  
12 and we elicited from him at the out-  
13 set that he was on the Methadone  
14 program designed to help addicts rid  
15 themselves of the habit of drug  
16 addiction. This man told Defense  
17 Counsel and the State from the wit-  
18 ness stand that he had been shooting  
19 narcotics for a long, long, long  
20 time. And he took this witness  
21 stand, gentlemen, and he said that  
22 he had gone to the Lakefront of this  
23 city, and that when he was on the  
24 seawall preparing his narcotics for  
25 injection, a black car pulled up

1 behind him.

2 Now, gentlemen, perhaps it is difficult --

3 I know it is difficult for me, and I  
4 know it must be difficult for you --  
5 to put yourselves in the frame of  
6 mind of Vernon Bundy or any drug  
7 addict on the seawall. He is con-  
8 cerned with only one thing, and that  
9 is shooting the narcotics, protecting  
10 the narcotics and not letting the  
11 police sneak up on him and arrest  
12 him before he could dispose of the  
13 narcotics. The moment that car  
14 pulled up, gentlemen, you can be  
15 assured, and you were assured by  
16 Vernon Bundy, that his attention was  
17 riveted on that automobile as it was  
18 on the occupants of that car, who  
19 left the car and walked along the  
20 seawall.

21 And his attention was riveted for a good,  
22 good reason, and he told you that  
23 reason: he did not want this man to  
24 run up on him all of a sudden before  
25 he could jettison or throw his

1                   narcotics out into Pontchartrain Lake, 131

2                   because without the evidence the man  
3                   could not be charged with possession  
4                   of narcotics. And he riveted his  
5                   attention on that man. He saw  
6                   another man walk from the other end  
7                   of the seawall or from the other  
8                   direction. They met, and he in this  
9                   courtroom and under oath positively  
10                  identified the Defendant as the man  
11                  that got out of the black Cadillac.

12               Coincidentally, the Defendant was seen in  
13               a black Cadillac in Clinton in late  
14               August, early September, 1963.

15               He saw him get out of that black Cadillac,  
16               approach the other man whom he posi-  
17               tively identified as Lee Harvey  
18               Oswald. He appeared to give him a  
19               roll of money. The State did not  
20               prove, and I am not attempting to  
21               tell you here that it was definitely  
22               and positively and beyond any possi-  
23               ble doubt a roll of money. He  
24               appeared to give him a roll of money,  
25               that is, the Defendant gave Oswald

1           what appeared to be a roll of money,  
2           and when Oswald put this item, which  
3           appeared to be a roll of money, in  
4           his pocket, he dislodged some of  
5           these leaflets, the same leaflets  
6           that he had been distributing on the  
7           Dumaine Street wharf earlier that  
8           month, maybe a week or a week and a  
9           half before this incident.

10           And let us recall, gentlemen, that Vernon  
11           Bundy was seated on the top wall, or  
12           the top step rather, of the seawall.  
13           His position was down, and there is  
14           something that he noticed, something  
15           that frankly might have frightened  
16           him, as he said, somewhat. It was  
17           the strange gait or apparent limp of  
18           this man whom he identified as the  
19           Defendant before the Bar. Vernon  
20           Bundy graphically demonstrated to  
21           this Court and to this Jury while he  
22           was on that witness stand when he  
23           made that Defendant walk back to  
24           that door and then walk forward. Is  
25           there anyone in this courtroom or

1 anyone on this Jury that did not  
2 notice the peculiar gait of the  
3 Defendant? The Defendant himself on  
4 the witness stand admitted that he  
5 had that affliction in 1963 as a  
6 result of a dislodged disc in his  
7 back. This was but further corrob-  
8 oration of the testimony of Vernon  
9 Bundy in this case.

10 Again, gentlemen, when the Defendant makes  
11 the statement under oath that he did  
12 not know Lee Harvey Oswald, he is  
13 proven a liar and unworthy of your  
14 belief.

15 Gentlemen, again the State apologizes for  
16 none of its witnesses in this case,  
17 and I don't apologize at all for Mr.  
18 Charles Spiesel.

19 Mr. Spiesel took this witness stand under  
20 oath and testified that one night he  
21 was in Lafitte in Exile, and he saw  
22 a man whom he thought he served in  
23 the military of the United States  
24 with. He asked this man about the  
25 ferry service, and perhaps there was

1 a breakdown in communications, be-  
2 cause he thought the man said some-  
3 thing about ferry, but what he was  
4 saying was his name, "Ferrie" --  
5 F-e-r-r-i-e rather than f-e-r-r-y.  
6 He went back to the bar, gentlemen.  
7 Subsequent to this, this man David  
8 Ferrie, whom he positively identi-  
9 fied, a young male and two women  
10 asked him to go to a party in the  
11 French Quarter. He testified that  
12 David Ferrie's eyebrows were not as  
13 thick or as heavy as they appeared  
14 in the picture. You heard Perry  
15 Russo testify that oftentimes David  
16 Ferrie's eyebrows were not as thick  
17 as they appeared in that picture.  
18 You heard him also testify that there  
19 were occasions when David Ferrie's  
20 hair was not as mussed up or as un-  
21 sightly looking as it was on some  
22 occasions.

23 They went to an apartment, gentlemen, as  
24 he recalled it at the intersection  
25 of Dauphine and Esplanade Avenue in

1 the City of New Orleans. They walked 135  
2 up, as he recalled it, two flights  
3 of stairs and went inside. There  
4 was a man who appeared to be the  
5 apparent host, and Mr. Spiesel posi-  
6 tively identified that man as the  
7 Defendant before the Bar.

8 And he said here something else very  
9 interesting: It was not the Defen-  
10 dant's apartment but rather two  
11 people he knew, I think he said  
12 teachers, I am not sure, from North  
13 Carolina. The Defendant took the  
14 stand and said that he knew many,  
15 many people in North Carolina.

16 What are the odds, gentlemen, of Mr.  
17 Spiesel going to this party and  
18 having the host tell him that the  
19 apartment really belonged to two  
20 people from North Carolina? Fifty-  
21 to-one, since there are fifty states.

22 During the course of the evening when the  
23 two girls left with the young man  
24 that was with David Ferrie when they  
25 first approached Mr. Spiesel in the



1 bar, the conversation turned to  
2 President John F. Kennedy, and the  
3 sentiment was hostile and certainly  
4 anti-Kennedy. The suggestion was  
5 made that he ought to be killed.  
6 Was it made in jest? We don't know.  
7 At first, frankly, Mr. Spiesel did  
8 not take this conversation seriously.  
9 However, he did later on become some-  
10 what alarmed. The consensus of those  
11 at the table was that the President  
12 should be shot with a high-powered  
13 rifle from some distance away. He  
14 posed the possibility of the man  
15 doing the shooting getting captured  
16 or killed before he could escape  
17 from the scene of the shooting. It  
18 is at this point apparently that the  
19 Defendant injected himself into the  
20 conversation, although I assume he  
21 must have been part of the consensus  
22 spoken about by Mr. Spiesel earlier,  
23 and he inquired of David Ferrie of  
24 the possibility of flying this man  
25 to safety after the shooting of the

1 President.

2 And again, that is something that is  
3 curious and significant, because, if  
4 you will recall the testimony of  
5 Perry Russo, the principal portion  
6 of the conversation entered into by  
7 the Defendant was that which con-  
8 cerned exit or availability of  
9 escape, and this is the same portion  
10 of the conversation at this party in  
11 which he injected himself at that  
12 time.

13 Why does he remember the Defendant Clay  
14 Shaw and David W. Ferrie and no one  
15 else at the party? First of all, I  
16 submit, gentlemen, you have been  
17 here a long time, but if you had  
18 only been in here one day, one hour,  
19 or for ten minutes, and seen the  
20 Defendant before the Bar, he is not  
21 the type of person that you would  
22 readily forget. Because of physical  
23 stature, because of his hair and his  
24 general appearance and demeanor,  
25 Clay Shaw, gentlemen, is not easily

1 forgotten once you see him, and he  
2 was not forgotten by the witnesses  
3 who positively put him in the pre-  
4 sence of Ferrie and Oswald.

5 And there is another reason why Charles  
6 Spiesel remembered the Defendant  
7 before the Bar. You will recall he  
8 was looking for some work in the  
9 City of New Orleans. You will re-  
10 call that David Ferrie volunteered  
11 to help him in this regard, volun-  
12 teered to speak to this man who had  
13 a lot of pull, power or ability to  
14 help someone seeking a job, and that  
15 man was Clay Shaw, the Defendant  
16 before the Bar. You will recall  
17 that he attempted to contact the  
18 Defendant before the Bar, Clay Shaw,  
19 by telephone, but was unsuccessful.

20 Although he never saw the Defendant again  
21 after he left the party until he came  
22 into this court room, he did, however,  
23 see David Ferrie. These were the  
24 reasons that Mr. Spiesel remembered  
25 the Defendant, his friends from North

1 Carolina, and he remembered David W. 139  
2 Ferrie at that party.

3 We went with Mr. Spiesel, gentlemen, down  
4 to the French Quarter of this city  
5 in an attempt to locate that apart-  
6 ment. Gentlemen, the probabilities  
7 are almost astronomical that this man  
8 could pick out an apartment house,  
9 not living in the City of New Orleans,  
10 that was -- that the apartment house  
11 next to it was identical. He picked  
12 out 906 Esplanade as one of the  
13 possible apartment houses. The very  
14 next apartment, 908 Esplanade, which  
15 is identical in appearance on the  
16 outside, was owned at that time, by  
17 the testimony of the Defendant, by  
18 the Defendant Clay Shaw. The proba-  
19 bilities, gentlemen, of that ever  
20 happening again are almost uncalcu-  
21 lable.

22 Who is Charles Spiesel? I know Mr. Dymond  
23 will spend much time on Mr. Spiesel.  
24 I would just like to call to your  
25 attention certain basic facts.

Gentlemen, we are dealing here with truth, and this man was never convicted of anything in his life. This man holds a responsible job in the City of New York. This man's employer knew of the suit he had filed against the City of New York and other defendants. This man's employer knew he was coming to the City of New Orleans to testify in this case. This man permitted Charles Spiesel to leave his work and to plead his case in the Federal Court. Charles Spiesel prepares corporate and personal income tax returns. Charles Spiesel has a very responsible job. Charles Spiesel has dealt in the formulation of spin-off corporations, and this is exceedingly complex work. He told you how down here in New Orleans he formed a system for certain jukebox companies while he was down here. He told you how he was in the military service of the United States and graduated with an honorable discharge, and of his

1 college background. And most impor- 141  
2 tantly, gentlemen, he told you he had  
3 never been convicted of anything.

4 And I submit, gentlemen, that Charles  
5 Spiesel told you the truth in this  
6 courtroom..

7 The coincidence of North Carolina, the  
8 coincidence of picking out the same  
9 exterior appearance of an apartment  
10 next door to an apartment owned by  
11 the defendant, are too much to over-  
12 come.

13 Gentlemen, sometime toward the middle of  
14 September, 1963, Perry Russo went to  
15 the apartment of David Ferrie. Now,  
16 Perry Russo had known David Ferrie  
17 for some time, at least for the  
18 summer of 1963 and into the early  
19 fall of 1963. David Ferrie had  
20 become obsessed with the assassin-  
21 ation of President Kennedy during  
22 that time period. He went to his  
23 apartment house one day and he saw  
24 a stranger in that apartment house  
25 on the porch, sitting, as he recalled

1 it, in the dark cleaning a rifle.

2 This man had what appeared to be at  
3 least a two or three-day growth of  
4 beard. He was introduced to this man  
5 as Leon Oswald. He positively iden-  
6 tified this man as Lee Harvey Oswald,  
7 but it is interesting to note that  
8 the first time he saw Lee Harvey  
9 Oswald he was doing something which  
10 apparently had become a habit with  
11 him, as testified by his wife or  
12 former wife, and that was to sit on  
13 the porch or in a dark room and clean  
14 and stroke his rifle. Marina Oswald  
15 Porter saw him do it many times at  
16 4907 Magazine Street in this city,  
17 and this is exactly what Lee Harvey  
18 Oswald was doing when Perry Russo  
19 first met him.

20 There is something else. Perry Russo and  
21 Lee Harvey Oswald apparently did not  
22 get along. To Perry Russo, Lee Harvey  
23 Oswald was an introverted person, a  
24 person that liked to be left alone,  
25 did not like to be part of a group

1 or socialize or talk too much, he  
2 liked to sit and read.

3 Again, gentlemen, this is corroborated  
4 completely by witnesses of the De-  
5 fense. We have the testimony of his  
6 own wife who said he was not a talka-  
7 tive person, did not like to join  
8 but liked to sit on the porch and  
9 read. We have the testimony of Ruth  
10 Paine, another Defense witness, who  
11 said the very same thing.

12 After this initial encounter, gentlemen,  
13 Perry Russo one night went to the  
14 apartment of David W. Ferrie in this  
15 city, 3330 Louisiana Avenue Parkway,  
16 and there was a gathering there.  
17 Some may call it a party, some may  
18 call it a meeting, some may just call  
19 it some people getting together and  
20 talking. You can put what label you  
21 choose on it. During the course of  
22 this get-together or meeting or  
23 gathering, David Ferrie paced ner-  
24 vously back and forth with clippings  
25 about President John F. Kennedy, and



1 he railed and he raved against the  
2 then President of the United States.  
3 When this party broke up, gentlemen,  
4 when this party was reduced in size  
5 to four people, David W. Ferrie, the  
6 Defendant before the Bar using the  
7 name Clem Bertrand, Leon Oswald or  
8 Lee Harvey Oswald, and intermittently  
9 Perry Raymond Russo, who said himself  
10 that he went in and out on occasions,  
11 the discussion, gentlemen, got much  
12 more serious. We hear such things as  
13 triangulation of cross-fire. We saw  
14 David Ferrie or heard that David  
15 Ferrie used this symbol (demonstrat-  
16 ing) for triangulation of cross-fire.  
17 We heard such things as a discussion  
18 of the necessity of using three but  
19 at least two people in the shooting  
20 of the President of the United States.  
21 We also heard that one of these  
22 persons would have to be a patsy or  
23 a scapegoat or be sacrificed so the  
24 others could get away.

25 Again during the course of this meeting,

1 during the course of this discussion, 145  
2 the Defendant spoke up, again and  
3 again he spoke up as he had done in  
4 June of that same summer, about avail-  
5 ability of exit and about escape and  
6 about the possibility of the man doing  
7 the shooting getting killed. It was  
8 discussed that perhaps direct flight  
9 to Cuba might be possible, it was  
10 discussed that this might not be  
11 feasible or possible or safe and  
12 that maybe a flight to Mexico and  
13 then on to Brazil where extradition  
14 could not be had (would be necessary).

15 It was decided, gentlemen, during the  
16 course of that meeting that some of  
17 the participants in this conspiracy  
18 would not be at the scene of the  
19 shooting, some of the participants  
20 in this conspiracy would make them-  
21 selves obvious at other locations so  
22 as to make an alibi more believable,  
23 so as to form an alibi for themselves.  
24 The Defendant was going to the West  
25 Coast. If you will recall, gentle-

1 men, the testimony of the Defendant 146  
2 on this witness stand, he knew by  
3 mid-September when this meeting  
4 allegedly took place that he was  
5 going to the West Coast of the United  
6 States. David W. Ferrie was going  
7 somewhere else to establish an alibi.  
8 David W. Ferrie ended up in Houston,  
9 Texas, and you heard Mr. Rolland  
10 testify about the bizarre activity  
11 of David W. Ferrie in that ice rink.  
12 I submit that you gentlemen use your  
13 own experience, apply your own  
14 common sense. Would you if you went  
15 to this skating rink repeatedly, as  
16 many as five times, go up to the  
17 manager of that skating rink and keep  
18 introducing yourself or interjecting  
19 your name in the conversation? I  
20 submit you wouldn't unless you had a  
21 purpose, and he had a purpose, and  
22 that purpose was to let everyone  
23 know that I am David Ferrie and here  
24 I am in Houston, Texas.

25 And the Defendant in fact did end up on

1 the West Coast, and Lee Harvey Oswald 147  
2 did in fact end up in Dealey Plaza in  
3 the Texas School Book Depository, and  
4 he did in fact take a gun with him to  
5 the Texas School Book Depository as  
6 the State alleged, and the State  
7 frankly had to prove it circumstan-  
8 tially.

9 This conversation was characterized during  
10 Russo's testimony by himself -- and I  
11 don't deny it, I don't deny the  
12 State's own witness characterized it  
13 as a "bull session," characterized it  
14 as never having referred to any of  
15 the participants as "conspirators."  
16 But, gentlemen, his characterization,  
17 my characterization, Mr. Dymond's  
18 characterization is not important,  
19 it is your characterization that  
20 counts. And when you do consider  
21 that point, I fervently ask you to  
22 consider the fact that David Ferrie  
23 did end up in public making himself  
24 known, that the Defendant before the  
25 Bar did end up on the West Coast of

1 the United States, and how in the  
2 world is Perry Russo going to know  
3 that the Defendant was going to the  
4 West Coast of the United States? How  
5 in the world could he know this? How  
6 in the world could he dream this up?  
7 And that one of the participants in  
8 this conversation, in this conspira-  
9 torial meeting, ended up in the Texas  
10 School Book Depository in Dallas,  
11 Texas, and did in fact take a gun in-  
12 to that Depository on that morning.  
13 That certainly, gentlemen, throws an  
14 entirely different light on this con-  
15 versation. This conversation was  
16 not -- did not take place in a  
17 vacuum, but everything said in this  
18 conversation was actually carried out  
19 by all of the participants of that  
20 conversation.

21 The State showed you in the testimony of  
22 Mr. Frazier that Lee Harvey Oswald  
23 did in fact take a package with him  
24 into the Texas School Book Depository  
25 on the morning of November 22, 1963.

1 Breaking a ritual that he had with  
2 Mr. Frazier of returning on weekends,  
3 he returned home the night before the  
4 President was assassinated, and he  
5 carried a package approximately two  
6 feet or over long. He told you that  
7 he had broken down his own rifle in  
8 the military service, and it broke  
9 down to as low as twenty inches. He  
10 identified a package that was similar  
11 to the package taken by Lee Oswald  
12 into that Depository on that fateful  
13 morning. Lee Oswald told him that  
14 it was curtain rods. Lee Oswald is  
15 not our witness, Lee Oswald is a  
16 named conspirator with the Defendant.  
17 Now let's see what the Defense's own wit-  
18 nesses had to say about these curtain  
19 rods. Mrs. Paine categorically tes-  
20 tified that she heard no mention of  
21 curtain rods that morning, but she  
22 did testify to the fact that she  
23 went to the garage and found strangely  
24 that the garage light was left on,  
25 and there was Lee Harvey Oswald

1 where Lee Oswald had kept his gun.  
2 Marina Oswald testified, and, as I  
3 recall the testimony of Mr. Frazier,  
4 Lee Oswald said his wife, Marina,  
5 got him curtain rods to take to the  
6 Texas School Book Depository, to his  
7 apartment in Oak Cliff, and his wife  
8 categorically testified that she did  
9 not bring him any curtain rods ever  
10 for his apartment in Oak Cliff, that  
11 he never asked her for curtain rods,  
12 that she never saw curtain rods in  
13 anyone's possession least of all the  
14 possession of her husband, Lee  
15 Oswald.

16 I submit to you, gentlemen, that when he  
17 rode to work that morning he took  
18 the gun from the garage, and when  
19 the police came there the following  
20 day they were unable to find it in  
21 the package it was in or the wrapping  
22 it was in because he had taken it  
23 that morning. Marina Oswald also  
24 testified that she did in fact see  
25 him go to that garage on numerous

occasions that night.

So, gentlemen, this conversation taken by itself, and frankly and honestly styled or categorized or classified by a State witness as perhaps a "bull session," certainly turned out to be more than any bull session.

Gentlemen, Perry Russo saw Leon Oswald or Lee Oswald once or twice more in the apartment of David Ferrie, and the last time he saw Lee Oswald in that apartment Lee Oswald was going somewhere, apparently making a trip, and he said he was going to Houston, Texas.

Now I want you to recall the testimony of the Defense's own witness, Ruth Paine, who testified that when she spoke to Lee Oswald just before taking his wife and baby back to Irving, Texas, he told her he was going to look for work in Houston or Philadelphia, Pennsylvania, as Perry Russo corroborated.

What are the probabilities of that coming



1 about unless it really happened, one  
2 witness living in New Orleans, one  
3 living in Irving, Texas today, and  
4 she said Houston, Texas, and Perry  
5 Russo said he said he was going to  
6 Houston, Texas.

7 Perry Russo, gentlemen, said that he had  
8 seen the Defendant on the Nashville  
9 Street wharf when President John F.  
10 Kennedy spoke there in 1962. He re-  
11 called the Defendant specifically,  
12 because the Defendant apparently was  
13 not looking at all times at the  
14 President of the United States, who  
15 was making a speech, and that he was  
16 positioned somewhat back towards the  
17 end of the crowd, and this is where  
18 Perry Russo saw him first.

19 The Defendant took the stand and admitted  
20 he was at the Nashville Street wharf.  
21 When did Perry Russo make this statement  
22 that he was on the Nashville Street  
23 wharf? Perry Russo made this state-  
24 ment on the very first contact by  
25 Mr. Andrew Sciambra of our office,

1 February, 1967. How on earth did  
2 Perry Russo know that the Defendant,  
3 Clay Shaw, was on the Nashville  
4 Street wharf unless as a matter of  
5 fact he saw him on the Nashville  
6 Street wharf? How did he know that  
7 the Defendant was standing in the  
8 rear of the crowd unless he had seen  
9 him in the rear of the crowd, and  
10 how did he know that he was not  
11 always looking at the President but  
12 appeared to be looking at others,  
13 unless he saw that?

14 Now, Mr. Dymond's argument will be the  
15 Defendant admitted all this. Gentle-  
16 men, the Defendant sat here and  
17 heard the testimony of Perry Russo.  
18 Is it logical to you that the Defen-  
19 dant would admit this knowing that  
20 this corroborated 100 percent the  
21 testimony of Perry Russo? And at  
22 first blush when you think of it, it  
23 sounds like a fairly good argument,  
24 but I want to remind you gentlemen  
25 that he well knew that the State had

1 rebuttal witnesses, that the State  
2 had a right to rebut the case of the  
3 Defense, and he didn't want to get  
4 caught flatfooted in an obvious lie,  
5 because they didn't know who we had  
6 for rebuttal witnesses.

7 He also well knew that there were probably  
8 many cameramen in and around the  
9 Nashville Street wharf on that  
10 occasion, and should the Defendant  
11 lie, he would be caught in a picture  
12 lying.

13 Gentlemen, ask yourselves, how could  
14 Perry Raymond Russo know in 1967  
15 that he was on the Nashville Street  
16 wharf when the President spoke there  
17 unless he saw him?

18 He also saw the Defendant at David  
19 Ferrie's gas station out on the  
20 highway, and he testified to this.  
21 Mr. Dymond will say that the State's  
22 case rises or falls upon the testi-  
23 mony of Perry Raymond Russo, and  
24 essentially I agree, but where is  
25 Perry Russo corroborated? He is

1 corroborated by the fact that David  
2 Ferrie and Lee Harvey Oswald and the  
3 Defendant were acquainted, were seen  
4 with each other and knew each other,  
5 contrary to what he says and con-  
6 trary to what he said in his opening  
7 statement. He is corroborated by  
8 the fact that in fact he was on the  
9 Nashville Street wharf. He is cor-  
10 roborated by the fact that their own  
11 witness -- that their own witness --  
12 said that he was going to Houston,  
13 Texas, and in fact that is exactly  
14 what Lee Oswald had told him, they  
15 were going to Houston, Texas, or he  
16 was going to Houston, Texas.

17 He is corroborated by more than that.

18 Remember, gentlemen, that during the  
19 course of this meeting, during the  
20 course of this conspiratorial meet-  
21 ing, the Defendant used the name  
22 Clem Bertrand, C-l-e-m Clem Bertrand.

23 Gentlemen, Mr. James Hardiman, a postman  
24 of long service in this city, took  
25 that witness stand and under oath

1 positively testified that when he  
2 was delivering letters addressed to  
3 Clay Shaw at 1313 Dauphine Street, at  
4 1414 Chartres Street from 1313  
5 Dauphine Street, at that very time he  
6 delivered at least five, or enough  
7 to call his attention to the fact  
8 that he had delivered letters to  
9 Clem Bertrand, the same name used by  
10 the Defendant in this conspiratorial  
11 meeting.

12 And, you know, it is a strange thing, and  
13 perhaps it is just another coinci-  
14 dence, but, gentlemen, these coinci-  
15 dences just can't keep piling up  
16 without painting a true picture. Who  
17 lives at 1414 Chartres Street? Jeff  
18 Biddison. How long has he known the  
19 Defendant, Clay Shaw? Twenty-three  
20 or twenty-six years, I can't recall.

21 Now, was there any evidence presented  
22 that Mr. Hardiman knew that the resi-  
23 dents of 1414 Chartres Street even  
24 knew the Defendant before the Bar?  
25 Why would he pick that address and

1                   come into this Court and say he had  
2                   delivered letters to Clem Bertrand  
3                   to that address unless in fact he  
4                   had done it? 1414 Chartres Street  
5                   meant nothing to Mr. Hardiman other  
6                   than the fact that that was the  
7                   address that he delivered letters to  
8                   Jeff Biddison, but he did not know,  
9                   gentlemen, of the relationship or  
10                  the association of Jeff Biddison and  
11                  the Defendant before the Bar. He  
12                  testified that the letters were  
13                  addressed directly, that is, to 1414  
14                  Chartres Street, and -- I don't want  
15                  to confuse the Jury -- that the  
16                  letters were first addressed to 1313  
17                  and then forwarded to 1414, because  
18                  that is not the way I recall the  
19                  testimony. They were addressed dir-  
20                  ectly to 1414, but these letters  
21                  only arrived -- these letters were  
22                  only delivered to that address at  
23                  the same time that this man was de-  
24                  livering mail addressed to Clay Shaw  
25                  at 1313 and forwarded to 1414.

1 And what fantastic explanation does the

158

2 Defendant give to this under oath  
3 and expect you to believe it? He is  
4 trapped. He cannot deny that there  
5 was a cancellation of a change of  
6 address on September 21, 1963, be-  
7 cause it is right there in the  
8 record. 1966, I am sorry. Which  
9 again is an interesting date, be-  
10 cause, gentlemen, this is before the  
11 investigation of the District Attor-  
12 ney's office even became public. In  
13 fact, it is before the District  
14 Attorney started his investigation.

15 The Defendant said -- and this is the  
16 most curious statement I have ever  
17 heard in my life -- he said he did  
18 not execute a change of address for  
19 the delivery of mail from 1313 to  
20 1414 Chartres Street. He was sure  
21 on this point. Yet he executes a  
22 cancellation of something that  
23 doesn't exist, and the only reason  
24 he admitted doing that was because  
25 it was right there in black and

1 white in that record, and I submit  
2 to you, gentlemen, that that mail  
3 was in fact delivered during that  
4 time, and you will also recall that  
5 the Defendant actually took up resi-  
6 dence at that location for a week or  
7 two before he could get back into  
8 his 1313 address.

9 Is this just another coincidence? How  
10 common is the name Clay Bertrand? Is  
11 this just another coincidence, gen-  
12 tlemen, along with the many other  
13 coincidences, or does this begin to  
14 give us a picture?

15 Gentlemen, Mrs. Jessie Parkerson took  
16 this witness stand, and you will  
17 recall that she was the hostess at  
18 the VIP Room, the Eastern Air Line  
19 VIP Room at Moisant International  
20 Airport. She testified that on  
21 December 14, 1966 -- again before  
22 any mention in the public media of  
23 the investigation by the District  
24 Attorney's office -- the Defendant,  
25 whom she positively identified, came

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1           into that room with another man and  
2           signed the VIP book "Clay Bertrand."  
3           The Defendant took the stand and  
4           positively denied this act, posi-  
5           tively denied the use of any alias  
6           in his life with the exception of the  
7           use of a name for writing a play.  
8           She remembered the Defendant, among  
9           other things, because of his pretty  
10          hair, as she put it.

11          The Defendant, gentlemen, signed the book,  
12          for what reason we don't know. I  
13          think it is reasonable to assume  
14          that perhaps he might have been sign-  
15          ing it for someone to come later on  
16          as a message. I don't know why he  
17          signed the book, but I believe Mrs.  
18          Parker that he did sign that book  
19          "Clay Bertrand," and when he signed  
20          it, he looked over at her and kept  
21          looking at her, and he wasn't seated  
22          but standing at this time when he  
23          signed that book. He was not sign-  
24          ing his own name but signing a fic-  
25          titious (name) or alias. Does it

1           seem logical to you that he would  
2           use his normal handwriting on this  
3           occasion? Does it seem logical to  
4           you that he might not try to dis-  
5           guise his normal handwriting on this  
6           occasion?

7           You have heard from two experts who have  
8           conflicting opinions as to whether  
9           or not that signature "Clay Bertrand"  
10          was made by the Defendant before the  
11          Bar, but we have a woman, gentlemen,  
12          who saw him make it and who took a  
13          lie detector test on that very point.

14          The Defense put on an expert who examined  
15          photographs of the questioned signa-  
16          ture, admitting frankly that this  
17          was not the best procedure to follow,  
18          but there is something else about  
19          the expert of the Defendant that  
20          should be taken into consideration.  
21          Can there be any doubt in the mind  
22          of any juror here that this man, Mr.  
23          Appel, on that witness stand did not  
24          say that he had a fixed opinion about  
25          this case before he rendered his

1 judgment or decision on that hand-  
2 writing specimen? He had a fixed  
3 opinion. He was coming down, as he  
4 put it, for the cause of justice.

5 "Do you know anything about the case?"

6 "No."

7 "Well, what are you talking about 'justice'?"

8 "Well, I was coming down here because of  
9 justice, I didn't want an injustice  
10 done."

11 You know that this man had a fixed opinion  
12 when he rendered his decision on that  
13 point.

14 The State's expert frankly admitted she  
15 intended and hoped to get paid. The  
16 State's expert did not have a fixed  
17 opinion in this case. The State's  
18 expert did not have time to give you  
19 a blow-up of the questioned signature  
20 next to the true exemplar or sample  
21 signature, but I found it entirely  
22 curious that the expert for the De-  
23 fense blew up but one, one sample out  
24 of thirteen, D-30 through D-34, for  
25 you gentlemen to view. You had an

1 opportunity, at the request of the  
2 State, to view D-30 through D-43.  
3 You had an opportunity to view Mr.  
4 Appel on the stand, and you had an  
5 opportunity to view Mrs. McCarthy on  
6 the stand.

7 I submit, gentlemen, that Jessie Parker  
8 was telling the truth when she testi-  
9 fied that the Defendant signed the  
10 VIP book.

11 I see I am going much longer than I had  
12 anticipated.

13 Gentlemen, yesterday on rebuttal you  
14 heard from Mr. and Mrs. Tadin. They  
15 testified that they in fact saw the  
16 Defendant and David Ferrie at the  
17 airport, and they knew David Ferrie  
18 because they were concerned about  
19 him being with their son, who was  
20 deaf. Mr. Tadin also, since he works  
21 in the French Quarter as many as six  
22 nights a week, also had seen and  
23 knew the Defendant before the Bar,  
24 and as soon as he saw him with David  
25 Ferrie, he commented to his wife

1 exactly who he was, and his wife took 164

2 the stand, gentlemen, and said that  
3 they were in fact together.

4 Mr. Dymond brought out that the first

5 time they came to us was yesterday.

6 I was somewhat disappointed that

7 they hadn't come to us sooner, but I

8 don't think, gentlemen, that they

9 were lying, and it is up to you to

10 weigh their credibility. Mr. Tadin

11 made one of the truest statements

12 made throughout this trial. Using

13 a cross-examining trick, Mr. Dymond

14 asked Mr. Tadin, "Do you ever lie?"

15 If Mr. Tadin had answered "Never", I

16 doubt if many of you gentlemen would

17 have believed him, but he answered

18 modestly that yes, yes, he lied,

19 that most people lied, but that he

20 was telling the truth, and that he

21 knew he was under oath and he was

22 telling the truth, and as he told

23 the truth this man was proven a liar

24 again and again and unworthy of your

25 belief.

1 Mrs. Jessie Garner took the stand for the 165  
2 Defense, the landlady of Lee Harvey  
3 Oswald, and there crept into the  
4 record a very curious thing. David  
5 W. Ferrie was over at the apartment  
6 of Lee Harvey Oswald one night short-  
7 ly after the assassination. She  
8 couldn't recall whether it was the  
9 night of the assassination or short-  
10 ly after the assassination, and I  
11 submit it was shortly after the  
12 assassination. How did David Ferrie  
13 know where Lee Harvey Oswald lived  
14 in the City of New Orleans? You  
15 would have a different proposition  
16 if David Ferrie were a Dallas resi-  
17 dent and after the announcement on  
18 television and so forth he went to  
19 the home of Lee Harvey Oswald in  
20 Dallas, but how did he know where he  
21 lived here in New Orleans four months  
22 before? And Mrs. Garner, again a  
23 Defense witness, a woman that they  
24 vouch for, said that Lee Harvey  
25 Oswald's apartment was filthy, that



1 attempted one day pathetically to  
2 find her husband by going to the  
3 coffee company where she thought he  
4 might have worked, and it was the  
5 wrong one. And you know why it was  
6 the wrong one, because Lee Oswald  
7 never told her where he worked, he  
8 never gave her a phone number, he never  
9 talked about anybody he met at work,  
10 he never told her about the post  
11 office box, he never told her where  
12 it was located. She did not have a  
13 key to the post office box. Frankly,  
14 gentlemen, she didn't know what Lee  
15 Harvey Oswald was doing.

16 And there is one other point I would like  
17 to bring out in connection with her  
18 testimony. She on the witness stand  
19 said the farthest back she would put  
20 the firing of Lee Harvey Oswald would  
21 have been approximately one month  
22 before they left the City of New  
23 Orleans, and they left the City of  
24 New Orleans on September 23. That  
25 would have made it August 23, 1963.



1 Lee Harvey Oswald was fired from the  
2 Reily Coffee Company July 19, 1963.  
3 This is how much Marina Oswald knew  
4 about the activities of Lee Harvey  
5 Oswald.

6 Gentlemen, I haven't gone into all of the  
7 testimony of all of the Defense wit-  
8 nesses. Presumably, Mr. Dymond will  
9 highlight their testimony, and I will  
10 be back in front of you again for I  
11 hope a period not this long, to rebut  
12 his arguments about what their wit-  
13 nesses said. So I at this time will  
14 not go into the testimony of many of  
15 the Defense witnesses.

16 I think that the State generally has  
17 proven its case beyond a reasonable  
18 doubt, and has proven him an absolute  
19 liar and unworthy of your belief,  
20 and absolutely guilty in this case,  
21 and I will ask this Jury, after ser-  
22 ious deliberation for both sides, to  
23 return a just verdict, and I feel  
24 that verdict will be guilty as  
25 charged.

1 Thank you very much.

2 THE COURT:

3 We will take a recess. Take the Jury  
4 upstairs. We will take a five-  
5 minute recess.

6 (Whereupon, a brief recess was taken.)  
7  
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C E R T I F I C A T E

I, the undersigned, Helen R. Dietrich, do  
hereby certify:

That the above and foregoing (Pages 103-169 of  
typewritten matter) is a true and correct transcription  
of the stenographic notes of the proceedings had herein,  
the same having been taken down by me and transcribed  
under my supervision, on the day and date hereinbefore  
noted, in the Criminal District Court for the Parish of  
Orleans, State of Louisiana, in the matter of State  
of Louisiana vs Clay L. Shaw, 198-059 1426 (30) Section  
"C" on the 28th day of February, 1969, before the  
Honorable Edward A. Haggerty, Jr., Judge, Section "C",  
the same being an excerpt of the proceedings as to  
certain portions of argument.

New Orleans, Louisiana, this 16th day of  
January, 1971.



HELEN R. DIETRICH  
REPORTER

000048

CRIMINAL DISTRICT COUT

PARISH OF ORLEANS

STATE OF LOUISIANA

. . . . .

STATE OF LOUISIANA . 198-059

VS. . 14:26 (30)

CLAY L. SHAW . Section "C"

. . . . .

PROCEEDINGS IN OPEN COURT OF  
FRIDAY, FEBRUARY 28, 1969

ALVIN V. OSER'S CLOSING ARGUMENT

BEFORE:

THE HONORABLE EDWARD A. HAGGERTY, JR.,

JUDGE, SECTION "C"

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**Dietrich & Pickett, Inc.**

*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130 - 522-3111

1 THE COURT:

2 All right, Mr. Oser, you may proceed.

3 MR. OSER:

4 Gentlemen of the Jury, I hope you will  
5 bear with me. I do not intend to  
6 speak too long to you on what the  
7 State's position is as to what  
8 happened in Dealey Plaza November  
9 22, 1963, as a result of the con-  
10 spiracy agreement and the meeting  
11 of the minds that took place in  
12 New Orleans involving the defend-  
13 ant Clay Shaw.

14 I would merely like to point out to you  
15 gentlemen a few of the facts and  
16 a few of the points that came from  
17 this witness stand, which resulted  
18 in the death of our late President,  
19 John F. Kennedy, in Dealey Plaza  
20 on November 22, 1963.

21 If I may, gentlemen, the question before  
22 you gentlemen as jurors is that on  
23 November 22, 1963, was there one  
24 person and one gun used at that  
25 time?

1

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1 (Delineating on blackboard.) 2

2 Now, in order to get at the answer,  
3 let's look and see what the  
4 evidence reveals.

5 We know from the witnesses and from the  
6 evidence presented, that the  
7 results of what happened in Dealey  
8 Plaza was that the President was  
9 shot in the back and/or the neck  
10 area; that the Governor of the  
11 State of Texas was shot in the  
12 back; and that the President was  
13 shot in the head.

14 Now let's look and see when, in order  
15 that we may correlate ourselves,  
16 when the three results occurred.  
17 What do we have from the witness  
18 stand to ascertain when was the  
19 President of the United States  
20 struck in the back, or the back  
21 of the neck? We have the testi-  
22 mony of Abraham Zapruder, the  
23 gentleman that was on the concrete  
24 pagoda taking the particular pic-  
25 tures which are now known as the

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1 Zapruder film. Besides Mr.

3

2 Zapruder, we have that of Mr. Phil  
3 Willis, the gentleman that took  
4 certain slide photographs at that  
5 particular time.

6 We also have the testimony of Mr. and  
7 Mrs. Newman, and you will recall  
8 that Mr. and Mrs. Newman were in  
9 this particular area (indicating)  
10 in front of the Stemmons Freeway  
11 which, as you recall from the pic-  
12 tures, blocked the Zapruder camera  
13 from taking from frame 207 to  
14 frame 224 as to what happened.

15 What did Mr. and Mrs. Newman tell us?

16 They told us that at the time they  
17 heard the first shot that the  
18 President reacted in such a way  
19 that his hands went up towards his  
20 throat area.

21 We also have the testimony of Mr.

22 Simmons, You recall Mr. Simmons  
23 was on the triple overpass, or  
24 underpass as it's called, who had  
25 a panoramic view of what was

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transpiring on Elm Street as the motorcade approached him. Mr. Simmons said at the time he heard the first shot he saw the President react with his hands going up.

Looking at the Zapruder film, we also have the testimony of Agent Frazier, who said in the reconstruction -- as a result of the reconstruction, that the earliest possible time that the President could have been hit is at frame 207.

We have the testimony of Dr. Nichols, the expert qualified by the State in the field of Pathology, who told you that at frame 224 in the Zapruder film that the President of the United States was reacting to some stimuli in the fact of raising his hands towards his throat area.

We also have Agent Shaneyfelt, who I believe testified that the President could not have been hit before frame 207.

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1 So as to when the first result occurred,  
2 that of the neck and back injury  
3 of the President of the United  
4 States, we have it occurring not  
5 before 207 and we have testimony  
6 that the President was reacting  
7 to said shot at frame 224, which  
8 is this photograph (indicating).

9 Now, in going over, gentlemen, to the  
10 large board, -- and again I ask  
11 you to bear with me, because the  
12 majority of my argument to you --  
13 I will try to make it brief, but  
14 the greater part of it will be  
15 moving from one exhibit to an-  
16 other and trying to explain the  
17 State's position as to what  
18 happened.

19 In going over to this particular chart,  
20 you recall the measurements that  
21 were placed on this chart, and the  
22 various frames were indicated on  
23 the particular chart. We have  
24 testimony that the President of  
25 the United States is reacting at

5

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approximately frame 224 to a head  
shot in the back of the neck or  
in the back.

In regards to the second result of what  
happened in Dealey Plaza, we have  
that of the injuries received by  
the Governor of the State of Texas.  
Again we have the testimony of Mr.  
and Mrs. Newman, who told you at  
the time they heard the second  
shot they saw the governor's eyes  
bulging with his arm down in this  
particular position that I am now  
(demonstrating).

We also again have Mr. Simmons, amongst  
other witnesses, but more specific-  
ally Mr. Simmons because he had  
again the panoramic view of what  
was going on as that motorcade  
came down Elm Street. At this  
particular time, as I recall the  
testimony, Mr. Simmons stated that  
at the time he heard the second  
shot, the Governor of the State of  
Texas, Governor Connally, reacted

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toward his chest area.

We also have the testimony of Agent Shaneyfelt of the Federal Bureau of Investigation, who says that in his opinion the Governor was reacting to a shot at frame 232.

But more importantly so, we have the statement of the pathologist, Dr. Nichols, who stated to you that in his opinion the Governor of the State of Texas was reacting to a shot, or to a stimulus, at frame 238 and that the reason Dr. Nichols states, in his opinion, that the Governor is reacting at frame 238 is because of the dip in the right shoulder of the Governor, the puffing of his cheek at this particular time.

If you compare this photograph to say, frame 230, you will note that the Governor is looking straight forward; his shoulders appear to be squared; and I submit to you gentlemen, very, very near and

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1 very, very close to the door of  
2 that presidential limousine, be-  
3 cause if you will look close, you  
4 will see at this particular time in  
5 frame 230, the Governor is holding  
6 his hat, which appears to be a gray  
7 hat and he appears to be almost, but  
8 not exactly, next to the door area.

9 So, we now have as a result, and using  
10 the Zapruder film, the Governor's  
11 back wound occurring or reacting  
12 at frame 238.

13 In speaking of the third result in  
14 Dealey Plaza, that of the head  
15 shot to the President or the last  
16 shot as depicted in frame 313,  
17 again we have the testimony of Mr.  
18 Zapruder, who stated that the last  
19 shot he heard, -- you must recall  
20 that he only heard two shots --  
21 the last shot that he heard, he  
22 saw the President's head open up,  
23 and from the witness stand he said  
24 -- remember, Mr. Zapruder is  
25 taking these pictures with a

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1 telescopic sight or a zoom lens,  
2 in essence, gentlemen, he is look-  
3 ing through a pair of field binoc-  
4 ulars as to what is about to  
5 happen to the President of the  
6 United States, and he sees, as was  
7 the testimony of Mr. Zapruder, that  
8 he was hit right here on the right  
9 side of the head, as he testified  
10 (indicating photograph).

11 Mrs. Willis also testified that the  
12 third shot that she heard was the  
13 one at which time the President's  
14 head exploded.

15 In referring to frame 313, I'm sure you  
16 will agree with me there is no  
17 doubt that this particular frame  
18 is the frame in which the President  
19 received his head shot and the  
20 fatal shot.

21 I am now marking on the board the result  
22 of the head shot at frame 313.

23 What we do have, gentlemen, in regard to  
24 the Zapruder film is that the  
25 Zapruder film is a clock in this

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1 case, or a ruler in this case. We  
2 know from the testimony of the FBI  
3 Agent, Shaneyfelt, who tested the  
4 Zapruder camer, that the Zapruder  
5 camera runs at 18.3 frames per  
6 second.

7 All right. But we also know, gentlemen,  
8 from the testimony, of FBI Agent,  
9 Frazier, that the rifle that he  
10 tested shot on an average of  
11 approximately two shots, rather  
12 on an average of approximately 2.8  
13 seconds, or, as he said, approxi-  
14 mately three seconds.

15 Let's take all the times that Agent  
16 Frazier shot this rifle. At the  
17 outdoor range, at 300 feet away,  
18 the best time that he did was that  
19 of 5.6 seconds. This, gentlemen,  
20 however, you recall was not taking  
21 into consideration the time it  
22 took him to aim that first shot.  
23 He said, on examination from the  
24 witness stand, that it took him  
25 approximately three seconds to get

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off the first two shots, not considering how long it took him or may have taken him to aim that first shot. So giving them the best estimate, the expert Frazier, that of 2.8 seconds, plus the time it would take him to sight-in the target the first time.

All right. Now, from using the Zapruder film, if two shots are got off in 2.8 seconds, then the two shots would have been gotten off -- it would take the Zapruder film to run 51.2 frames. At the time Frazier was doing these tests, when they were in the indoor range shooting at 75 feet, the best time was attained by Frazier, and that time was I believe 4.6 seconds. That's the fastest he ever shot the gun. So considering 4.6 seconds and the time that it would take to get off the first two shots, which would be 2.3, plus the time it would take him to sight-in,

-- now, two shots at 2.3 seconds,  
using the Zapruder film as a clock  
or as the ruler, we would then get  
the passing of 42 frames of the  
Zapruder film.

Now, between, gentlemen, frames 207,  
which is the first time that the  
President could have been hit, and  
frame 238, when Governor Connally  
is reacting, we have the passing  
of 31 frames. Thirty-one frames  
calculated with the Zapruder film  
running at 18.3 frames per second  
gives us 1.6 seconds. Let's take  
the FBI estimate. Let's say that  
the Governor was reacting at 232,  
as Shaneyfelt said. The differ-  
ence between 207 and 232 would be  
25 frames, or 1.4 seconds.

At no time, gentlemen, in any of this  
testimony mathematically and  
scientifically, if it takes 1.6  
seconds and 1.4 seconds, the FBI  
experts say that they cannot poss-  
ibly get two shots off before 2.3

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1 and 2.8, which makes it impossible  
2 for that gun that he examined in  
3 the sixth floor of the Texas School  
4 Book Depository to get off two  
5 shots, because the best time in the  
6 world would be 2.3 seconds, not  
7 considering the sighting, and if  
8 we use the Zapruder film and the  
9 Zapruder camera as the clock, the  
10 passage of time between 207 and  
11 238 or 207 and 232, or 1.4 seconds  
12 and 1.6 seconds, it just doesn't  
13 match up mathematically.

14 So if the gun couldn't have fired that  
15 fast, what do we look at next? We  
16 look at the possibility of whether  
17 or not one bullet hit both the  
18 President and the Governor.

19 Now, in regards to whether one bullet  
20 hit the President and the Governor,  
21 we know that the President is re-  
22 acting at 224. We know that the  
23 Governor is reacting at 238. The  
24 difference between 224 and 238 is  
25 14 frames, and there again, using

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1 the Zapruder film running at 18.3  
2 frames per second, we have approxi-  
3 mately the passing of three-  
4 quarters of a second, which is a  
5 very, very short time, gentlemen.

6 I want to call to your attention that  
7 in dealing with the frames of the  
8 Zapruder film and the Zapruder  
9 camera, we are not talking about  
10 five minutes or any long length  
11 of time. In other words, gentle-  
12 men, every picture you see here  
13 was taken in 18.3 of a second and  
14 that's fast. So when I speak of  
15 14 frames passing in three-fourths  
16 of a second, the time is really  
17 moving.

18 Now, you heard the testimony of Dr.  
19 Nichols, the pathologist, who ran  
20 tests with a 6.5 Mannlicher-  
21 Carcano rifle, and you heard the  
22 testimony of Agent Frazier, who  
23 told you that the rifle he examined  
24 was traveling, or the pellet rather  
25 was traveling at an average of

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1 2,175 feet per second. It packed  
2 a muzzle energy of 1,676 foot  
3 pounds.

4 Now in regards to the three-quarters of  
5 a second, Dr. Nichols, in his ex-  
6 pert opinion, said that if  
7 Governor Connally had been struck  
8 by the same bullet that the  
9 President is reacting to in 224,  
10 that the Governor's reaction would  
11 have been instantaneous because  
12 of the force and the velocity of  
13 a 6.5 Mannlicher-Carcano shell.  
14 In fact, if I remember the testi-  
15 mony correctly, Dr. Nichols said  
16 that he would have had to react in  
17 7/5,760ths of a second. Seven  
18 over 5,760th of a second.

19 We also must turn our attention to deal-  
20 ing with the proposition of whether  
21 or not one bullet did the damage  
22 to the President and the Governor;  
23 if we have the passing of 14  
24 frames and it took three-quarters  
25 of a second for the President and

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1 the Governor to react when the  
2 reaction should have been instan-  
3 taneous, we should also turn our  
4 attention to that of 399,  
5 Commission Exhibit 399.

6 Now, in discussing 399 as to whether or  
7 not that particular pellet did the  
8 damage to the President and the  
9 Governor, I direct your attention  
10 to the testimony of Dr. Finck, who  
11 testified in court and told the  
12 Warren Commission that, in his  
13 opinion, it was impossible for  
14 Commission Exhibit 399 to do all  
15 the damage to the President of the  
16 United States, going through his  
17 neck, and doing the damage to the  
18 Governor, because why, gentlemen?  
19 There were too many metal frag-  
20 ments in the wrist of the Governor.  
21 You heard testimony about the  
22 weight of this particular bullet.  
23 You heard testimony from Agent  
24 Frazier that the jacket of this  
25 particular bullet was intact, and

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1 that the jacket is a copper-jacket  
2 bullet containing lead on the in-  
3 side, and as I said, basically in-  
4 tact. He did say a part of the  
5 jacket was removed when he sub-  
6 mitted it to spectrographic  
7 analysis.

8 We also have testimony in the case from  
9 the witness stand that in the  
10 throat area, of the track through  
11 the throat of the President, there  
12 was metallic substances.

13 We also have, gentlemen, in regard to  
14 this a very important point. We  
15 know as was set up with the pic-  
16 tures, according to the Zapruder  
17 film, that the President had re-  
18 acted at frame 224. We know in  
19 the pictures and from the expert  
20 testimony that the Governor is re-  
21 acting at approximately 238, and  
22 of course we know by merely view-  
23 ing the film and viewing the photo-  
24 graph of frame 313 that the Presi-  
25 dent was hit the final time at

Reference copy, JFK Collection: HSCA (Rg 233)

1 frame 313.

18

2 Now, you might recall a lot of testi-  
3 mony and a lot of questions, on my  
4 part, about lateral angles; about  
5 whether or not the experts during  
6 their reconstruction not only cal-  
7 culated the angles from the sixth  
8 floor down or the horizontal angle  
9 -- or the vertical angle rather,  
10 but what was the lateral angle,  
11 the right-to-left angle which was  
12 not calculated by any of the ex-  
13 perts during the reconstruction?

14 Let's take, gentlemen, in regard to  
15 frame 224 for a moment, and this  
16 Agent Frazier couldn't see or  
17 understand what I was driving at,  
18 but I want to show it to you.

19 If you take a line, draw it through  
20 frame 224, (demonstrating with  
21 green paper over red dots) my point  
22 was, in asking Frazier what was the  
23 lateral angle, right-to-left from  
24 here to here (measuring with  
25 string), this angle, gentlemen,

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1 that is created between this green  
2 line and this piece of string.

3 Gentlemen, if you recall the testi-  
4 mony of Dr. Nichols, who told you  
5 -- and the hypothetical question  
6 by Mr. Alford, in describing the  
7 wounds of the throat area of the  
8 President as stated by Dr. Finck,  
9 one of the "pathologists" at the  
10 autopsy, that the trajectory  
11 through -- and that there were no  
12 bones broken in the throat area of  
13 the President.

14 Dr. Nichols told you in order for a  
15 projectile to pass through the area  
16 of the human body at this particu-  
17 lar location and not hit bone,  
18 that the minimum angle would have  
19 to be, right-to-left, that of 28  
20 degrees.

21 Now referring to frame 224, let me take  
22 a protractor and place it in the  
23 area of 224 through the perpendic-  
24 ular line and view the angle of 28  
25 degrees. As I read the protractor,

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1 the angle of 28 degrees from frame  
2 224 places it here. That's the  
3 spot, not the sixth floor of the  
4 Texas School Book Depository Build-  
5 ing, because you remember they  
6 didn't even attempt to ascertain  
7 what the lateral angle is or was.  
8 The spot on the protractor -- on  
9 the basis of Dr. Nichols' testi-  
10 mony, it had to be at least 28  
11 degrees, otherwise it wouldn't  
12 have gotten through the neck with-  
13 out breaking a bone -- puts the  
14 shot at 224, not from the Texas  
15 School Book Depository sixth floor  
16 but somewhere in this vicinity of  
17 the Texas School Book Depository  
18 Building, which is not the sixth  
19 floor window. Which window? I  
20 don't know, but you recall Mrs.  
21 Carolyn Walther's testimony, who  
22 was standing in this vicinity here  
23 (indicating) at the time the  
24 parade was coming. She looked up  
25 to the Texas School Book

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1           Depository and saw two men in a  
2           window, one with a gun. Two men  
3           in a window, one with a gun.

4           Now, considering the fact, gentlemen,  
5           that in speaking of the 18.3 frames  
6           per second and whether or not a  
7           single bullet could have done all  
8           the damage, we have shown to you  
9           that between frames 224 and 238,  
10          there must be the passing of three-  
11          quarters of a second. We have  
12          shown you testimony of the expert  
13          that if Connally was hit with the  
14          same bullet, it had to happen in  
15          7/5,760ths of a second, and,  
16          furthermore, that according to the  
17          expert testimony, that the bullet  
18          could not have possibly gone  
19          through the human body in a mini-  
20          mum angle other than 28 degrees,  
21          and if they had calculated the  
22          lateral angle that I was talking  
23          about, but that they didn't seem  
24          to understand what I meant, this  
25          is where the 28 degrees falls

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(indicating), because, if you recall, Dr. Finck, the "pathologist" at the autopsy, said that there were no bones broken in the President's throat.

So, I believe, gentlemen, the State has proven to your satisfaction and beyond any reasonable doubt that not only could the gun that <sup>not</sup> Frazier tested/have fired in the time span, using the Zapruder film as the clock, to get off two shots, likewise, the same bullet certainly could not have hit the President of the United States and Governor Connally. And if that didn't happen, what do we have now? Now we have two people and two guns..

Now let's turn for a moment to the head shot of the President. But before we do, touching upon one point as to whether or not the Governor and the President could have been hit by the same bullet, in order for a bullet to go through the

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President's neck at 28 degrees, which is the minimum angle possible if it didn't break any bones, in order for that same bullet to hit the Governor in the arm pit, that bullet in its traveling of that track of 28 degrees from this area (indicating), which is not the sixth floor window on this particular corner of the Texas School Book Depository Building, that in the opinion of Dr. Nichols, the Governor, after he viewed the film and studied the photographs, would have had to have been at least 18 inches to the left of where he was sitting. Nowhere in any of these photographs, 224, 230, 238, is the Governor 18 inches to his left, which would make it possible for the same bullet then to enter his particular back and do the damage that it did.

Now, since we have a possible answer to our question thus far, that of two

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1 people and two gunds, let's look  
2 at the third result, that of the  
3 wound in the President's head.

4 I believe you will recall, gentlemen,  
5 from seeing the Zapruder film, the  
6 reaction of the President in that  
7 particular film of him going back-  
8 wards and to his left as he sat in  
9 the car around frame 313 and there-  
10 after.

11 We also have the testimony of the eye  
12 witnesses that were there. Mr.  
13 Zapruder telling you of looking  
14 through his telescope or his  
15 zoom lens or his field binoculars,  
16 that he was hit right here (indi-  
17 cating).

18 We have the testimony of Mr. William  
19 Newman that he was hit right above  
20 the ear. We have the testimony of  
21 Mrs. Newman that he was hit right  
22 above the ear, and recall her  
23 testimony, because, gentlemen, as  
24 we told you on the voir dire when  
25 you were being selected as jurors,

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that you cannot go beyond what you hear from the witness stand to convict anybody or to acquit anybody. Therefore, all I ask you to do is to recall what came from that witness stand and what Mrs. Newman said.

Mr. Dymond in cross-examination of Mrs. Newman started his cross by mentioning the bullet came back here, and she said, "Oh, no, I didn't say the bullet hit him back here, I said I saw the bullet hit him right here." And where was she standing? Ten feet from him. That's how close she was to him.

Mrs. Willis, who said at the time the third shot in the President's head exploded he went backwards and to the left of where he was sitting.

Again, we must turn to Mr. Simmons, who had, again, the panoramic view of what is happening in front of him, of the President's head exploding and him going -- falling back to

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the left.

You have the testimony of Officer Martin, the motorcycle policeman who was riding to the left rear, as indicated in "Willis 5." He testified that he was the furthest one out; in fact, he put an "X" over his position where he was in the motorcade.

And recall now that Mr. Willis' testimony was that when he took this photograph, this was taken almost at the time of the first shot, and he heard it because he said the first shot made him click the camera or the shutter button on his camera.

So we have Officer Martin riding well to the left and well to the left rear of the presidential limousine. We could also see what appears to be Officer Martin in the Moorman photograph, his approximate location to the left and to the rear of the presidential limousine.

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OMITTED.

Reference copy, JFK Collection: HSCA (Rg 233)

1                   What does Officer Martin tell us?

28

2                   Officer Martin tells us, one, he  
3                   doesn't know where the shot came  
4                   from. He heard the shots and he  
5                   was looking around on his bike  
6                   trying to learn where they were  
7                   coming from; that he found matter  
8                   on his motorcycle, on his uniform,  
9                   on his helmet that he had cleaned,  
10                  if you recall, before they left  
11                  Love Field at Dallas, and he said  
12                  it had been raining. They had  
13                  their rain gear on; they took their  
14                  rain gear off and they wiped off  
15                  their boots and wiped off their  
16                  helmets to get ready for the  
17                  motorcade.

18                 It was after the shooting of the Presi-  
19                 dent and when Officer Martin got  
20                 to Parkland Hospital and thereafter  
21                 that he found this matter -- I  
22                 think he said pink in color or  
23                 something to that effect -- on his  
24                 helmet, on his bike, on his motor,  
25                 and on his uniform. And where was

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1 he? He was to the left rear.

29

2 Remember what Agent Frazier said about  
3 his examination of the presidential  
4 car, the one they just happened not  
5 to do the reconstruction with. I  
6 believe he said it's being recon-  
7 ditioned or something. But anyway,  
8 in Frazier's examination of the  
9 car, he said he found blood and  
10 brain matter over the exterior of  
11 the car, the windshield of the car,  
12 the handrails of the car, and then  
13 he concluded by saying they found  
14 a large quantify of -- I believe  
15 was his quote -- let me see. --  
16 "considerable quantities of blood  
17 and brain inside the car," which  
18 you would expect, and on the trunk  
19 lid area, which means, gentlemen,  
20 from the testimony of Frazier and  
21 all of the eye witnesses, the  
22 majority of the brain matter and  
23 the blood was coming back to the  
24 left rear of the vehicle. Because  
25 how could Martin get hit in his

Reference copy, JFK Collection: HSCA (Rg 233)

1 position where he was if it didn't  
2 spray back?

3 Now the testimony of Dr. Nichols, who  
4 gave his opinion that he was re-  
5 acting -- the President was react-  
6 ing rather to a frontal head shot  
7 because of the backward movement  
8 as indicated in the Zapruder film.

9 I want to call to your attention,  
10 gentlemen, that Dr. Nichols was the  
11 only expert in this case that gave  
12 his opinion as to -- based on a  
13 complete examination of the  
14 Zapruder film, as to what it shows  
15 as to whether or not the President  
16 was moving forward and backward.  
17 And also that Dr. Nichols told you  
18 that if he had been hit in the  
19 rear of the head that he would have  
20 been driven forward from the blow  
21 traveling at 2,175 feet per second,  
22 packing a wallop of 1,676 foot  
23 pounds, which is the equivalent --  
24 you recall I asked Agent Frazier  
25 if this is not the equivalent of

30

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1 taking a 1,676-pound ball, iron  
2 ball, and dropping it one foot.  
3 That's a wallop! That's a wallop!  
4 And that 1,676-pound ball is  
5 traveling at 2,175 feet per second,  
6 and what does the President do in  
7 reacting to being hit by this?  
8 Does he go forward as indicated in  
9 the Zapruder film? Oh, no. He  
10 goes back and to the left. He  
11 goes back and to the left, not  
12 forward. Not forward.

13 We have testimony in this case from  
14 Dr. Finck, "pathologist," who tells  
15 you in his report that the Presi-  
16 dent fell forward, and I asked Dr.  
17 Finck where did he learn this, why  
18 did he put this in his report. Be-  
19 cause Admiral Galloway told him  
20 that. Admiral Galloway seemed to  
21 tell him a lot of things about his  
22 report. Admiral Galloway is the  
23 one that told him to put, presum-  
24 ably, wounds of exit. And speaking  
25 of Dr. Finck, somebody told him not

Reference copy, JFK Collection: ESCA (RG 233)

to dissect the throat wound.

Gentlemen, can you really imagine the President of the United States being assassinated and these pathologists not dissecting the throat wound to ascertain whether or not it was a through-and-through gunshot wound? Because remember, Dr. Finck told you that on the night of November 22nd, he was puzzled because he couldn't find where this back wound was going. He found no exit. He was puzzled, but he didn't dissect the throat area because, one, he was told not to, and then on cross-examination by Mr. Dymond, he tells Mr. Dymond he didn't do it because he didn't want to mutilate the body. They can cut him open, take all the body organs out, go all through his brain, but they didn't want to mutilate the body by dissecting the track. Not one wound in the President of the United States --

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this is not you or I laying on  
that autopsy table, this is the  
President of the United States  
who has been assassinated -- not  
one wound did they go and take,  
on the entrance or the exit, and I  
am referring to the holes in the  
body, a cross-section of that par-  
ticular wound, dissect it and sub-  
mit it to microscopic examination  
at least to ascertain whether or  
not there was any burned area. You  
recall Dr. Nichols testifying in  
the first part of this case, when  
a bullet passes through, it singes  
or sears the skin to a certain de-  
gree. This is a foolproof way of  
telling whether or not one is an  
entrance wound or one is an exit  
wound.

Why didn't they do this to the back  
wound, or the back of the neck  
wound as they say?

Let me touch a moment on the wounds.

Now, you recall Dr. Finck testifying

Reference copy, JFK Collection: HSCA (Rg 233)

1 that they found the wound in the  
2 back, or the wound in the neck as  
3 he calls it, approximately five  
4 inches from the tip of the mastoid  
5 process and approximately five  
6 inches from the tip of the acromion,  
7 which is the end bone in your  
8 shoulder. In fact, it's recorded  
9 right up here (indicating), it says  
10 14 centimeters, and I believe the  
11 doctor said 14 centimeters, approxi-  
12 mately five inches, 14 centimeters  
13 from the right acromion is 14  
14 centimeters below the tip of the  
15 right mastoid process.

16 Besides raising the question of how they  
17 measured this, he couldn't tell you  
18 what position the body was in on  
19 the table when he measured it, but  
20 I do submit to you and he did state  
21 to you that if the body is either  
22 on its stomach or on its back and  
23 the head turned to the right or  
24 turned to the left, it is going to  
25 change the position of this mastoid

Reference copy, JFK Collection: HSCA (RG 233)

process for measuring purposes.

But what measurement, gentlemen,  
on that diagram is not mentioned?  
And what is not mentioned is what  
Dr. Finck told you, was that it  
was approximately two inches from  
the mid-line, and the mid-line is  
straight down the middle of the  
body. Two inches from the mid-  
line. You heard Dr. Nichols tell  
you that if it was 14 centimeters  
from the right acromion, 14 centi-  
meters from the right mastoid pro-  
cess, and approximately two inches  
to the right of the mid-line, that  
the bullet would have had to hit  
a vertebra. Where was the wound --  
in the back? Was it the neck? Was  
it the shoulder? Where was it? I  
don't really know where it was; I  
don't think Dr. Finck knows where  
it was either because if this  
wound is placed on this diagram  
(indicating) I submit to you either  
at the time of the autopsy, or

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1           shortly thereafter, while the body  
2           was still there, and Dr. Finck  
3           moved this up higher to the collar  
4           than is depicted on here, saying  
5           that this is wrong -- and you re-  
6           call he marked on Mr. Billy  
7           Wegmann over in this area of his  
8           shoulder a spot (indicating), but  
9           the interesting point about that  
10          particular wound, gentlemen, is  
11          that if it was two inches to the  
12          right of the mid-line, it would  
13          have had to hit the vertebra by  
14          the makeup of the human anatomy,  
15          just like if it had gone through  
16          the neck area without hitting any  
17          bone, it had to go through at a  
18          minimum of 28 degrees from right-  
19          to-left.

20           Let me get back and touch upon the head  
21           shot that we are speaking about  
22           and get off belaboring the point  
23           to you about the autopsy and about  
24           the reconstruction, which has to  
25           be the monumental flop investigation

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1 of reconstruction in the history  
2 of the world. Here's the FBI, with  
3 all types of equipment, techni-  
4 cians, the power to get anything  
5 they want in the form of evidence.  
6 They got all the evidence up to  
7 Washington, D.C., but by some  
8 strange circumstance, they couldn't  
9 get the same car back down to  
10 Dallas for reconstruction.

11 What did they use in the place of that,  
12 gentlemen? They used a Cadillac  
13 limousine that Frazier can't even  
14 tell you the measurements of. He  
15 said he thinks so, but he couldn't  
16 tell you. He didn't measure it.  
17 He improvised. The expert of some  
18 26 years with the FBI improvises.  
19 One of the men doing the majority  
20 of the work on this reconstruction,  
21 in answer to one of my questions,  
22 after being in this area for 26  
23 years, says he investigated three  
24 or four criminal scenes during his  
25 career. This is one of the two

Reference copy, JFK Collection: HSCA (Rg 233)

men doing most of the work. This  
is the expert.

What does he do? They get two stand-ins  
for the President and the Governor  
and they put the President's stand-  
in on blankets, and after they put  
him on blankets, when they are  
calculating their measurements,  
they've got to put a spot in his  
back and move it down ten inches  
before they can calculate anything.  
So this reconstruction is with the  
wrong car, the wrong measurements,  
as in regard to the Presidential  
limousine, a stand-in sitting on  
blankets and he's got to measure  
ten inches down because the  
Cadillac is ten inches higher than  
the Presidential limousine was.

But in the reconstruction, what did  
they use? They used the skin hole  
as I call it, of the President  
marked on the President's stand-in.  
Somebody, Agent Frazier told me  
from the witness stand, measured

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1 on the stand-in five inches from  
2 from the mastoid and five inches  
3 in from the shoulder. Somebody,  
4 I guess some other agent, measured  
5 it, or another agent, and that they  
6 didn't want to use the President's  
7 clothing at the time, because you  
8 recall the President's clothing --  
9 the bullet hole in the back of the  
10 coat, if I recall, was 5 and 3/8  
11 inches down from the collar. They  
12 didn't use this because of the fact  
13 that the President's coat may have  
14 been puckered up and this would be  
15 all wrong, so they used the skin  
16 hole.

17 Now, in regards to whether or not the  
18 President's coat was puckered up,  
19 I submit to you these two photo-  
20 graphs, the Moorman photographs  
21 showing the back, and the Willis  
22 photograph in the close-up, because,  
23 gentlemen, measuring from the collar  
24 down 5 and 3/8 inches to the hole  
25 in the back of the coat is a heck

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1 of a lot different spot than if  
2 you measured on me right now five  
3 inches from the tip of my acromion  
4 down. So if it had to be as the  
5 agent says, his coat was puckered  
6 up, it would have to be puckered  
7 up to such an extent (demonstrat-  
8 ing) that there would be a flap or  
9 a fold-over in his particular  
10 coat. And remember I specifically  
11 asked the agent, were these single  
12 bullet holes -- there was no  
13 double bullet hole through the  
14 coat as he found in Governor  
15 Connally's French cuffs -- that  
16 went through one side and then  
17 through the other side. If you  
18 take 5 and 3/8 inches down from  
19 my collar and then measure five  
20 inches from my mastoid process  
21 down, you notice how far my coat  
22 has got to pucker up (demonstrat-  
23 ing), and if it does pucker that  
24 far, you've got the double flap  
25 and you've got double bullet holes

Reference copy, JFK Collection: HSCA (RG 233)

1 in the coat.

2 Anyway, right now wouldn't you say your  
3 shirt was secured at least by your  
4 belt and by your tie? Because then  
5 under their theory, then his shirt  
6 had to pucker up that much, too.

7 I think there was about an eighth  
8 of an inch or a quarter of an inch  
9 difference between the shirt hole  
10 and the coat hole, but irrespective,  
11 they say it was puckered up maybe,  
12 so they didn't use it. But what  
13 do they use with Connally? I think  
14 it would be logical to assume that  
15 they would use the skin hole in the  
16 back of the Governor. They didn't  
17 use that, they used his coat, they  
18 used his laundered coat in their  
19 reconstruction, and then Frazier  
20 gets up here and says in answer to  
21 one of Mr. Dymond's questions, is  
22 it possible for a shot to be gotten  
23 off from the sixth floor of the  
24 Texas School Book Depository  
25 through the two stand-ins as you

Reference copy, JFK Collection: HSCA (RG 233)

sighted. I submit to you gentlemen, that quite possibly it wasn't. They had the skin hole of the President sitting on blankets and they had the laundered coat hole that Frazier said changed the Exhibit so completely that he couldn't even test it. But he didn't calculate the lateral angle. You couldn't get a lateral angle answer out of any of them! Why? Why, because at 28 degrees, it doesn't put a gun in the sixth floor of the Texas School Book Depository Building, that's why. That's by medical proof. Medical proof, the human anatomy. That bullet can't go through there unless it's a 28-degree minimum angle, and not break a bone.

If you're wondering whether or not the backward motion of the President at the time he was hit in the head was attributed to the speed of the car, I submit to you, you recall what

Reference copy, JFK Collection: HSCA (RG 233)

1           you saw in the Zapruder film as  
2           to whether or not Mrs. Jacqueline  
3           Kennedy flew back or any other  
4           occupants in the car flew back as  
5           the President did, if there was a  
6           sudden acceleration.

7           I submit to you the testimony of Mrs.  
8           Willis, the Newmans, Officer  
9           Martin and Mr. Carr, who said in  
10          fact the car slowed down. It did  
11          accelerate, it accelerated when  
12          that agent was getting on the back  
13          of it, which was well after frame  
14          313. And why was everyone running  
15          to the grassy knoll? All of the  
16          witnesses, bar none that I can re-  
17          call, told you that the people, or  
18          at least some of the people, were  
19          running to the grassy knoll area.  
20          Zapruder, Mr. West, the surveyor,  
21          -- he heard four shots -- Phil  
22          Willis, Mrs. Walther, Buell Wesley  
23          Frazier, who was standing in the  
24          doorway of the Texas School Book  
25          Depository Building, Mrs. Moorman,

Reference copy, JFK Collection: HSCA (RG 233)

1 who was standing approximately at  
2 this location (indicating) when  
3 she took this photograph, Mrs.  
4 Bond, who was standing in this area  
5 (indicating) when she took these  
6 two photographs.

7 Where is everybody running to in the  
8 photograph, gentlemen? And, more  
9 specifically, I submit to you this  
10 particular area of the grassy knoll  
11 -- this area on here, the police-  
12 man clearing a fence back here  
13 (indicating). Why do you think he  
14 ran there? Because all the shots  
15 were coming from the Texas School  
16 Book Depository Building? Why  
17 do you think that policeman was  
18 running across the neutral ground  
19 area towards the grassy knoll? Be-  
20 cause all the shots came from the  
21 Texas School Book Depository Build-  
22 ing?

23 Now, besides Mrs. Bond, we have Carr in  
24 a building back here (indicating)  
25 watching the whole view, seeing

Reference copy, JFK Collection: HSCA (RG 233)



1 people run here. We have Roger  
2 Craig, who is a deputy sheriff at  
3 that particular time, who not only  
4 ran through here but he jumped the  
5 fence, and we have old Mr. Simmons  
6 again -- he's always popping up.  
7 You will recall the panoramic view  
8 that Mr. Simmons must have had on  
9 the triple overpass or the under-  
10 pass, whichever you call it. What  
11 does he do and what does he see?  
12 At the time of the third shot he  
13 sees a puff of smoke coming out  
14 from the area of the trees in this  
15 particular vicinity. Oh, Mr.  
16 Dymond asked him on cross-examina-  
17 tion, "Mr. Simmons, wasn't the  
18 Texas School Book Depository in the  
19 same general direction?" Of course  
20 it was past the grassy knoll, but  
21 he was in the same general direc-  
22 tion, but I can recall Mr. Simmons  
23 getting off the witness stand and  
24 going to the blackboard or the  
25 mock-up and putting his hand in

Reference copy, JFK Collection: HSCA (Rg 233)

1 this area and saying, This was the  
2 area in which I saw the shots,  
3 heard the shots come from and saw  
4 the puff of smoke and ran behind  
5 there and saw the numerous foot-  
6 prints as though someone was pacing  
7 up and down behind there or in the  
8 fence area on the grassy knoll.

9 What else did Mr. Simmons see? Mr.  
10 Simmons said he saw something hit  
11 the curb. Something hit the curb,  
12 and we had the testimony of Agent  
13 Frazier that a piece of curbing  
14 was submitted to him for some sort  
15 of analysis -- I imagine a spectro-  
16 graphic analysis -- and it con-  
17 tained smears of lead, and on this  
18 diagram (indicating) it is noted  
19 a section of curb removed in this  
20 particular area down here (indicat-  
21 ing), and Mr. Simmons was standing  
22 in this particular area here.

23 Where did that come from? We  
24 heard Agent Frazier tell you that  
25 there was a crack or a shatter of

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1 the windshield on the inside and  
2 that it had lost its force and  
3 expended itself into fragments and  
4 merely cracked the window, because  
5 he told Mr. Dymond that he found  
6 lead traces on the inside of the  
7 windshield. But how does a frag-  
8 ment that doesn't have enough  
9 force, or pieces of fragments that  
10 don't have enough force to crack  
11 the windshield all the way through,  
12 get from this area all the way over  
13 to here (indicating)? From this  
14 area all the way over to here (in-  
15 dicating).

16 Then we have the testimony of Dr.

17 Nichols again in regards to what  
18 was found by Colonel Finck at the  
19 autopsy in regard to the head in-  
20 jury. You heard Dr. Finck, or  
21 Colonel Finck, tell you absolutely  
22 every time you find that beveling  
23 and cratering it is positively a  
24 hole of entrance. You heard Dr.  
25 Nichols tell you that this is not

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1 always the case. In the case of  
2 a 22-caliber he said he's even used  
3 the same Exhibit that Mr. Dymond  
4 had, the one that was drawn by  
5 Colonel Finck, prepared by Colonel  
6 Finck. And you heard Dr. Nichols  
7 tell you in the area of 6.5 pro-  
8 jectiles it doesn't always have to  
9 be beveling or cratering. And in  
10 answer to one of Mr. Alford's  
11 questions, Dr. Nichols said that  
12 the beveling or cratering effect  
13 could be caused by secondary  
14 missiles. By that they mean frag-  
15 ments of bone flying through or  
16 moving through this compressed area  
17 that your head is in, or at least  
18 a fragment coming out, because all  
19 throughout the testimony of Dr.  
20 Finck -- Colonel Finck, "patholo-  
21 gist," there is left a great amount  
22 to be desired, gentlemen, as to  
23 what type of autopsy was performed  
24 on the President of the United  
25 States.

1                   There was some three-quarters by one-  
2                   half inch rectangular object in  
3                   his brain. The left side of his  
4                   brain wasn't even examined. I  
5                   know Dr. Finck tells us that he  
6                   thinks maybe Commander Hughes did  
7                   that, but he doesn't know.

8                   You know what else he told us? He told  
9                   us that the brain of the President  
10                  was removed through the hole in  
11                  the head. This is really preserv-  
12                  ing the brain for examination, tak-  
13                  ing it through a five-inch hole  
14                  in the head. This was some  
15                  autopsy! This was some autopsy!

16                 Having spoken, gentlemen, about the  
17                  head of the President, I submit to  
18                  you that because of what you your-  
19                  self can see in the Zapruder film  
20                  -- and if you don't think -- take  
21                  one moment of your time -- the  
22                  President was in fact moving back-  
23                  wards -- may I have the screen put  
24                  up, Your Honor, please?

25                 I'm going to show you a few slides,

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gentlemen, of frames 312 through  
317.

THE COURT:

I would assume that when you are ready  
you will tell me and I will have  
the lights doused. Is that right?

MR. OSER:

Yes, if Your Honor, please.

Now, gentlemen, this purports to be  
frame 312 of the Zapruder film.  
At this particular time, I call  
your attention to the distance be-  
tween the back of the President  
and the seat of the limousine,  
which Shaneyfelt did not measure.  
He said it was his impression that  
he was shot from the back, but the  
photographic experts did not  
measure the distance between the  
Presidents' shoulder and the back  
of the seat.

Now I call to your attention this white  
area right here that I am pointing  
to -- now you can see the white of  
this area right here is beginning

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1 to be a little larger. Still  
2 notice the area between the left  
3 shoulder of the President and the  
4 back seat of the automobile.

5 THE COURT:

6 Don't you mean the right shoulder?

7 MR. OSER:

8 No, sir, I mean the left shoulder right  
9 now, Your Honor, closest to Jackie  
10 Kennedy's arm as well as his right  
11 shoulder. Of course, this is  
12 frame 313.

13 Notice now, gentlemen, the white area  
14 or the reflection on the leather  
15 upholstery to the back of the  
16 President, 1/18.3 of a second  
17 after he's shot, and what happens  
18 to that area.

19 Look at the position now that the Presi-  
20 dent's shoulders are in, if he is  
21 not being driven back and to the  
22 left. His right shoulder is  
23 further forward in this area.

24 He's now gone.

25 Look where the President's shoulder is

Reference copy, JFK Collection: ESCA (Rg 233)

1 now burrowing back into the  
2 leather upholstery where that re-  
3 flection was seen in that photo-  
4 graph. It's now gone. The next  
5 slide indicates the President, be-  
6 sides the movement of his shoulders,  
7 -- after close examination of these  
8 slides made from the original film  
9 -- proved that he is moving back-  
10 wards and to the left as indicated  
11 in his position on the back of the  
12 seat in this particular frame.

13 Look where his shoulders are now, gentle-  
14 men. His right arm is now raised  
15 in this position. His left  
16 shoulder you cannot see, because  
17 it's dug into the seat.

18 That's it. Lights, please.

19 I submit to you, gentlemen, besides the  
20 viewing of the Zapruder film in  
21 motion indicating the back and to  
22 the left, I also submit to you what  
23 you just saw on the slides in  
24 reference to the motion of the  
25 President's shoulders coming

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1 around, his hand going up, his left  
2 shoulder burrowing into the back of  
3 the limousine or the leather  
4 upholstery, and that shiny reflec-  
5 tion from the sun disappearing when  
6 his body covers it.

7 So, gentlemen, from what we have pre-  
8 sented in regard to the head area,  
9 the testimony of Dr. Nichols, the  
10 testimony of the Zapruder film, the  
11 testimony of the witnesses, what  
12 do we have now? We now have three  
13 people and we now have three guns.  
14 From what you have heard from this  
15 witness stand by the witnesses pre-  
16 sented to you from Dealey Plaza, I  
17 submit to you, you have, in answer  
18 to that question, three people and  
19 three guns, and in having three  
20 people and three guns, you have,  
21 gentlemen, a triangulation of fire,  
22 a triangulation of fire that was  
23 testified to from this witness  
24 stand that is exhibited by all of  
25 this evidence, all the photographs,

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1 the Zapruder film. We have the  
2 triangulation of fire, because who  
3 expressed it better than a person  
4 who was there? A person, who, in  
5 my opinion, was the most believ-  
6 able witness in this entire case.  
7 And of course, that was Mrs. Gail  
8 Newman, who is a housewife with  
9 two children. You can see them  
10 in this particular picture pro-  
11 tecting their children (indicating).  
12 And what did she say from the wit-  
13 ness stand, not in answer to a  
14 question by the State, but in  
15 answer to a question by the De-  
16 fense?

17 "We were caught in a cross fire, we  
18 were caught in a cross fire," and  
19 that's exactly what they were  
20 caught in. That's exactly the  
21 results of three people with three  
22 guns causing the three types of  
23 wounds as I have described here,  
24 because otherwise it is mathematic-  
25 ally and scientifically impossible

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1 for one person with one gun to do  
2 the results that happened in Dealey  
3 Plaza on November 22, 1963, by  
4 what I showed you before as to  
5 where the location of one gun had  
6 to be. Mathematically and  
7 scientifically, it was not the  
8 sixth floor of the Texas School  
9 Book Depository Building, it  
10 couldn't be, and if this case was  
11 reconstructed with all the evi-  
12 dence that was available and the  
13 lateral angles were found out, it  
14 would be shown that one of the  
15 guns was certainly not in the  
16 sixth floor of the Texas School  
17 Book Depository Building, and one  
18 of the guns was certainly the  
19 cause of a frontal shot. You saw  
20 it in the Zapruder slides just now.

21 And we have, gentlemen, the triangula-  
22 tion, the triangulation (demon-  
23 strating), and where have you heard  
24 the triangulation before? You have  
25 heard the triangulation testified

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1 to in this particular trial prior  
2 to, before we got to the area of  
3 Dealey Plaza, a triangulation de-  
4 scribed when the Defendant, Clay  
5 Shaw, was present when it was being  
6 talked about.

7 Again, it seems a strange circumstance,  
8 as Mr. Alcock pointed out to you  
9 some odd happenings about what  
10 Perry Russo said, evolved from  
11 this witness stand. It seems  
12 strange, doesn't it, gentlemen,  
13 that a triangulation of fire was  
14 talked about, and I submit to you  
15 we have proven a triangulation of  
16 fire resulted from the conspiracy  
17 and the agreement that was hatched  
18 with the defendant Clay Shaw  
19 present.

20 Thank you.  
21  
22  
23  
24  
25

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JFK ASSASSINATION SYSTEM

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CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.....  
STATE OF LOUISIANA

VERSUS

CLAY L. SHAW  
.....

NO. 198-059

1426 (30)

SECTION "C"

EXCERPT OF  
PROCEEDINGS IN OPEN COURT ON  
FEBRUARY 28, 1969,  
JAMES ALCOCK'S REBUTTAL ARGUMENT

*and*  
DYMOND ARGUMENT (BUNDY)  
(pp. 48-53, for Committee - 8/5/77)

B E F O R E : HONORABLE EDWARD A. HAGGERTY, JR.

JUDGE, SECTION "C"

Dietrich & Pickett, Inc.  
*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130-522-3111

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1 THE COURT:

2 Well, it is about seven and a half, almost  
3 eight minutes to six. Mr. Dymond, I  
4 suspect you will be the next person  
5 to argue, and I think this would be  
6 the right time -- rather than to let  
7 you start and interrupt, I think it  
8 would be best to break for supper.

9 The security agents are here from the  
10 Sheriff's office.

11 THE BAILIFF:

12 Order in court.

13 THE COURT:

14 Gentlemen, you are the best judges of  
15 this. I am just trying to find out.  
16 Do you think since the Rowntowner  
17 Motel is not too far away and we can  
18 get there quickly in the bus, do you  
19 think you can manage with a one-hour  
20 dinner recess? Off the record.

21 (Discussion off the record.)

22 THE COURT:

23 Gentlemen, we are going to recess until  
24 7:30. You understand what is going  
25 to happen. Mr. Dymond, you will

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1 then argue, and I will expect the  
2 State to follow you tonight. If I  
3 have time at that point, I have my  
4 charge finished, and I will check it  
5 out. I have it prepared, but I will  
6 not hold up the case in any way with  
7 reference to my charge to the Jury.

8 Now, how far we are going to work tonight  
9 depends on when we start at 7:30,  
10 and depending how long it gets to be,  
11 at the right time, after I have given  
12 my charge, depending on the hour, it  
13 is a question of whether or not the  
14 Jury feels too fatigued to start de-  
15 liberating or whether they wish to  
16 deliberate for some small period of  
17 time or would rather go ahead and  
18 get a night's sleep and start delib-  
19 erating tomorrow. I think we will  
20 just leave that question in abeyance  
21 at the moment and see what time it  
22 takes for the argument and for my  
23 reasonable charge to the Jury.

24 All right, Gentlemen of the Jury, I am  
25 going to excuse you for the dinner

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hour. Off the record.

(Discussion off the record.)

THE COURT:

We stand recessed until 7:30.

(Thereupon, at 6:00 o'clock p.m.

the jurors were placed under the

Rule, and Court recessed until

7:30 o'clock p.m.)

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1 . . . . Pursuant to the recess, the proceedings 4  
2 herein were resumed at 7:40 o'clock  
3 p.m., appearances being the same as  
4 heretofore noted in the record. . . .

5 THE COURT:

6 Are the State and the Defense ready to  
7 proceed?

8 MR. DYMOND:

9 We are ready, Your Honor.

10 THE COURT:

11 Proceed, Mr. Dymond.

12 MR. DYMOND:

13 May it please Your Honor:

14 Gentlemen of the Jury, first I would like  
15 to join Mr. Alcock in thanking all  
16 of you for the very obvious close  
17 attention that you have given to a  
18 long, tedious trial. I know it has  
19 not been easy on you, but you have  
20 certainly discharged your duty well.

21 Also at the outset I would like to further  
22 state what Mr. Alcock in fairness has  
23 stated, and that is that once the  
24 Defense sits down from this argument  
25 and turns the argument over to the

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1 State in rebuttal, we are of neces-  
2 sity finished. The fact that we do  
3 not get up and answer anything that  
4 is said by the State in its rebuttal  
5 is certainly not because we have  
6 nothing to say in answer to that, not  
7 because we can't answer it, but be-  
8 cause we are prohibited by law from  
9 doing so. I wanted to make that  
10 abundantly clear to you, gentlemen.

11 Gentlemen, let me say at the outset that  
12 I do not think that a criminal trial  
13 is any place for innuendoes, veiled  
14 accusations, hints of guilt of wrong-  
15 doing or the like. I say that by way  
16 of suggestion that if the State  
17 means to charge the Government of  
18 our country with fraud, deceit, dis-  
19 honesty, unscrupulous conduct, and  
20 most every other derogatory word of  
21 which you can think, let them come  
22 forward and say so. Certainly the  
23 hint, the innuendo, up until this  
24 point has been to that effect. Now  
25 I think that you all know, and I

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1 know that you all should know, that  
2 the Warren Commission is not on  
3 trial in this courtroom, the Warren  
4 Report is not on trial.

5 This is a case against Clay Shaw, who is  
6 charged specifically with having  
7 conspired to murder President  
8 Kennedy.

9 Now, first let me make my position clear,  
10 and that is that I as an American  
11 citizen, as what I feel and think to  
12 be a loyal American citizen, cannot  
13 and will not accept the suggestion  
14 that the Warren Commission was  
15 guilty of one giant fraud, that the  
16 United States Government was guilty  
17 of one giant fraud, as the State  
18 would have it, a deliberately con-  
19 ceived fraud, fraudulent plan to  
20 deceive the people of the United  
21 States as to the circumstances sur-  
22 rounding the death of our late  
23 President. I cannot and will not  
24 buy that nor accept it.

25 Let me say, gentlemen, that I will be the

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1 first to admit that the Warren Com-  
2 mission did not do a perfect job,  
3 but again I say that it is my feel-  
4 ing that the members of this Commis-  
5 sion discharged their job, discharged  
6 their duties honorably and well, and  
7 to say that they are a fraudulent  
8 group and that this fraud is joined  
9 in by our very Government, I cannot  
10 believe.

11 When I hear such accusations as these,  
12 gentlemen, I must ask myself why and  
13 how. Have you ever stopped to think  
14 just how inconceivable it is that  
15 the Federal Government -- and when I  
16 say the Federal Government, I can go  
17 beyond that -- that our Secret Ser-  
18 vice, our FBI, the Justice Depart-  
19 ment, the Dallas Police Department,  
20 the doctors at Parkland Hospital in  
21 Dallas, the doctors in the Bethesda  
22 Naval Hospital, would all join  
23 together to try to make our American  
24 public believe that our President  
25 was killed by shots fired from the

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sixth floor of the School Book Depository when in fact he was killed by bullets from elsewhere?

Gentlemen, what earthly conceivable reason could there be for that? If there is one, I do not know of it.

Now, gentlemen, I say how, and when I say how, I call upon you as intelligent mature individuals and ask you whether you think it is possible -- and I accent the word possible as distinguished from probable -- that there could be this many people -- the Dallas police, the FBI, the Justice Department, the Secret Service, right on down the line, the doctors, all the people in that crowded autopsy room -- that there could be all of those people a party to this fraudulent scheme, and that five and one-half years could have elapsed and not one person would have come forward and said, Look, I want to tell the truth; I was told to lie but I am not going to stick

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1 to it any more.

2 Gentlemen, I submit to you that that is  
3 absolutely beyond belief.

4 Now, yes, you have seen things pointed  
5 out about the Warren Report that are  
6 subject to question. I am the first  
7 to admit that. But a fraudulent  
8 scheme as the State would have you  
9 believe, no.

10 Now, gentlemen, I am launching into what  
11 you would consider a tirade in de-  
12 fense of the Warren Report, and, as  
13 you know, we have been very limited  
14 in the evidence that we have pre-  
15 sented along those lines, but once  
16 again before I launch into what evi-  
17 dence we did have in that connection,  
18 let me say that I know that you are  
19 not lawyers, but I also know that you  
20 don't have to be lawyers to distin-  
21 guish between a contest over the  
22 validity of the Warren Report and a  
23 contest over the question of whether  
24 this Defendant, Clay Shaw, sat in an  
25 apartment at 3330 Louisiana Avenue

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1 Parkway with Lee Harvey Oswald and  
2 David Ferrie and planned the killing  
3 of the President of the United States,  
4 conspired to kill him.

5 Gentlemen, please bear in mind that that  
6 is the question that you are here to  
7 pass on. There may be some among  
8 you who violently disapprove of the  
9 Warren Report. To these I want to  
10 accentuate this statement: that is,  
11 that a verdict of acquittal of Clay  
12 Shaw does not constitute your stamp  
13 of approval on the report issued by  
14 the Warren Commission. I say that  
15 not apologetically, gentlemen, but I  
16 say it out of practicality, recogniz-  
17 ing the possibility that there may be  
18 among you those who feel that way.

19 Now, gentlemen, getting on to the Warren  
20 Report, as I say, we came before you  
21 in the opening statement and told  
22 you that we had neither the time,  
23 the inclination, nor the money to  
24 come here and defend the Warren  
25 Report. That statement was a true

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statement. However, we did feel that it was well and necessary to present to you some of the basic indispensable evidence that should be given to you, if for no other purpose, to show you the real purpose of this presentation, this pageant, this trial of Clay Shaw.

As you will remember, the first witness that we put on in connection with the Warren Report was Mr. Frazier, the FBI ballistics expert.

Gentlemen, I was somewhat taken aback when the State actually had the temerity to come before you in a closing argument and question the fact that this man was an expert. The reason that it shocked me, gentlemen, was that upon an examination of the State's opening argument, what do you see but a statement to the effect that not the Defense but that the State will offer the testimony of Special Agent Robert A. Frazier of the Federal

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Bureau of Investigation, an expert  
in the field of ballistics.

Gentlemen, we didn't get Mr. Frazier down  
here, the State subpoenaed Mr.  
Frazier, got him down here and  
obviously didn't like what they  
heard, so we decided to use him.

Great criticism has been thrown out, the  
testimony of Mr. Frazier has been  
violently attacked. The State comes  
before you and says, What does this  
man mean trying to tell you about a  
re-enactment in Dallas which was the  
monumental flop of the century?

Let me remind you, gentlemen, that this  
re-enactment was done in furtherance  
of the basic purpose of the Warren  
Commission, for the purpose of deter-  
mining the facts surrounding the  
death of President Kennedy. The  
Warren Commission nor anyone else at  
that time had any idea, had any  
reason to believe that when the  
President's Commission did issue its  
report that it would be pounced upon

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by a group of vultures, that it would  
be used by a group of people previ-  
ously relatively obscure, and as a  
means to climb to fame and fortune  
over the body of our dead President.  
The Warren Commission was told what the  
purpose of its formation was, and it  
went ahead and did its job.  
Mr. Frazier told you how the scene was re-  
enacted, Mr. Frazier told you that  
he was in the sixth floor window of  
the Book Depository and a complete  
presidential parade was re-enacted  
there, and that as a result of this  
examination it was his opinion as  
an expert in the field of ballistics  
that the President was hit in the  
back with one shot from the School  
Book Depository window, and in the  
back of the head with another shot  
from the window.  
Now, just what the State's position is  
in regard to Mr. Frazier, I don't  
know. Do you they contend that he  
isn't an expert? I hardly see how

1 they could have subpoenaed him as  
2 an expert themselves. Do they con-  
3 tend that he is just flat lying?  
4 Possibly they will come before you  
5 and say that. They may well do that  
6 if they see fit to come before you  
7 and allege that giant, impossible,  
8 fraudulent scheme that I have men-  
9 tioned.

10 Next, gentlemen, we put on the stand Dr.  
11 Pierre Finck.

12 Gentlemen, when Dr. Finck finished his  
13 testimony on direct examination, the  
14 State pounced upon him like a moun-  
15 tain lion on a chained goat; and I  
16 will say this, that they made great  
17 capital of the language difficulty  
18 which I am sure was obvious to all  
19 of you, but I will also say this,  
20 that I know, I am confident, that  
21 there is not one man on this Jury  
22 who doubted the integrity of that  
23 little doctor, who doubted his pro-  
24 fessional ability and his devotion  
25 to his profession. I don't think

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1                   there is one man here who had any  
2                   doubt on any of those.

3           It quite amused me, gentlemen, to hear  
4           Mr. Oser in his closing argument re-  
5           ferring to Dr. Finck as a "Quote  
6           Pathologist." Gentlemen, could Mr.  
7           Oser have forgotten the testimony of  
8           Dr. John Nichols to the effect that  
9           he was a student under Dr. Finck at  
10          the Armed Forces Institute of Path-  
11          ology? And then Dr. Nichols takes  
12          the witness stand and flatly contra-  
13          dicts the testimony of Dr. Finck,  
14          and Mr. Oser sees fit to flatly  
15          adopt Dr. Nichols'. It seems a  
16          little peculiar to me that the good  
17          Dr. Nichols would pay money to go  
18          and be taught by someone who knows  
19          less than he does. It doesn't make  
20          too much sense.

21          Then, gentlemen, speaking of devotion to  
22          purpose, devotion to profession,  
23          motive in testifying, let us also  
24          draw another little distinction  
25          between Dr. Nichols and Dr. Finck.

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1 This is something of which Dr.  
2 Nichols was very proud (exhibiting  
3 sketch to jurors.) It is a sketch  
4 looking down on the backbone. This  
5 sketch was shown to you when it was  
6 introduced in evidence, but if you  
7 look a little more closely now, you  
8 will see that there is something  
9 different: "Copyright TV 14490.  
10 John Nichols, 1968. All rights  
11 reserved." Dr. Nichols had to see  
12 to it that he could go into the back  
13 office there and protect his money/  
14 property rights in that sketch.

15 Gentlemen, I have told you about other  
16 people who are attempting and have  
17 attempted to rise to fame and fortune  
18 over the body of our late President.  
19 It looks as though we may have  
20 another member of the club.

21 Now getting on with Dr. Finck, gentlemen,  
22 bear in mind that this is not a  
23 doctor who arrived at his profes-  
24 sional opinions, his professional  
25 conclusions, by looking at the

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Zapruder film, by firing slugs through the wrists of a cadaver. This little doctor from Switzerland, gentlemen, is one of the men who actually performed the autopsy on the body of our late President, who actually viewed these wounds, who actually saw where these wounds were, and who decided whether it was necessary to mangle the neck of the body of our late President to trace the path of a bullet when he could obviously see the point of entrance and a fellow pathologist had told him about the point of exit.

Bear in mind, gentlemen, that this isn't a man speaking from movies, from experiments, from theory; this is a man who was there, he was on the scene.

And what does Dr. Finck tell us in his opinion? His opinion is precisely that of Mr. Frazier but based upon a different expertise, that our President was hit from two shots

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from the rear.

We then come to another very unusual spot in the State's presentation, gentlemen. That is with respect to the FBI photographic expert. This case has been going on a long time and you may have forgotten, but this gentleman was not our witness, this gentleman was put on the witness stand by the State, and when the State puts a man on the witness stand they vouch for his credibility, and then they come before you in the opening argument and try to belittle, run down, downgrade the testimony of their own witness. Once again, we have a professional opinion of a true professional photographer, photographic analyst, coinciding with the opinions of the other two experts.

Now, gentlemen, these are just three experts. Add to that about 3,000 more, and I would tell you how many lips would have to be sealed if these

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1 people had been told what opinions  
2 to form, if a whip had been held  
3 over them, if they had been told to  
4 cheat, defraud, deceive the American  
5 people. I submit to you, gentlemen,  
6 that that is utterly and absolutely  
7 inconceivable.

8 Now, gentlemen, the State has put on  
9 quite a pageant here in its attack  
10 on the Warren Report.

11 As you may know, the Warren Commission  
12 examined some 25,000 witnesses.

13 MR. ALCOCK:

14 Your Honor, I am very reluctant to inter-  
15 ject at this time and interrupt  
16 Counsel, but he is going far, far  
17 beyond the record of this case.

18 MR. DYMOND:

19 Your Honor, I don't think I have gone  
20 beyond the record at all.

21 THE COURT:

22 Well, I think the objection is made that  
23 maybe that is a fact but has not  
24 been testified to in this Court, and  
25 you cannot assume things that are in

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1 the Warren Report as being part of  
2 this case.

3 Is that your objection?

4 MR. ALCOCK:

5 Yes, Your Honor.

6 THE COURT:

7 I think the objection is well taken.

8 MR. DYMOND:

9 Well, it is a little late.

10 Gentlemen, what the State has done is to  
11 pick up a handful of hand-picked  
12 dissenters, some of them mercenaries,  
13 some of them wanting to get their  
14 names in the news, others whose  
15 motives we will never know, and has  
16 brought them here to dispute the  
17 findings of this Commission.

18 As I recall, on the voir dire at least  
19 one of you gentlemen told me that  
20 you had seen the movie RUSH TO JUDG-  
21 MENT. I will say now that anyone  
22 who has seen this movie will recog-  
23 nize the State's presentation and  
24 may well mistake it for a re-run of  
25 RUSH TO JUDGMENT. To those people

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1 who have seen this movie, it will be 21  
2 clear that this Defendant, Clay Shaw,  
3 while he is sitting here, a defen-  
4 dant charged with a crime, has been  
5 brought here for no other purpose  
6 than to create a forum for the pre-  
7 sentation of this attack upon the  
8 Warren Commission, for such an  
9 attack as would downgrade the re-  
10 spect of the American public for the  
11 very Government of that public.

12 Again I say, gentlemen, if they are  
13 accusing our Government of being a  
14 completely fraudulent institution,  
15 let them come before you and say so.  
16 And another good appropriate state-  
17 ment might be either "Love it or  
18 leave it."

19 Now, gentlemen, I have here my notes that  
20 I have taken during the testimony of  
21 this case, and I have tried to work  
22 them into an orderly presentation of  
23 our side of this case. However, a  
24 couple of things were said in the  
25 State's opening statement that I

1           being human just cannot resist com-  
2           menting upon before I go into the  
3           body of our case.

4           The first of these that hit me between  
5           the eyes is one of the most obvious  
6           acts of desperation, one of the  
7           clearest indications of how the  
8           State feels that it must grasp at  
9           straws in this case, that I have  
10          ever seen in my life, and I am re-  
11          ferring to the gall that the State  
12          had standing before a Jury of four-  
13          teen intelligent men and trying to  
14          rehabilitate and ask you to accept  
15          the testimony of the witness, Charles  
16          I. Spiesel.

17          I am sure that you gentlemen remember Mr.  
18          Spiesel. You remember well what he  
19          told me from that witness stand,  
20          this poor little paranoid bookkeeper,  
21          who came down here to New Orleans  
22          thinking that people were following  
23          him, thinking that people were  
24          hypnotizing him against his will,  
25          thinking that people were causing

Reference copy, JFK Collection: HSCA (RG 233)

1 him to lose his sexual potency, this  
2 poor little man who sued a group of  
3 people in New York claiming that the  
4 Communists, or whatever other group  
5 he was referring to, were dressing  
6 up and masquerading as his relatives,  
7 and then passing him by on the street  
8 to make him think that they didn't  
9 want to talk to him.

10 Gentlemen, what kind of a good-faith  
11 prosecution, what kind of a legiti-  
12 mate presentation would try to get  
13 up here and con you gentlemen into  
14 buying that, that man's testimony!

15 My God, gentlemen, this is a court of  
16 law, it is a court of justice. You  
17 don't ask a jury of men to consider  
18 testimony of that type in deciding  
19 the fate of one of their fellow men.  
20 It is incomprehensible, it is beyond  
21 pardon.

22 Mr. Alcock seemed to indicate that he  
23 thought that I might try to attack  
24 the memory of this poor little man.  
25 Gentlemen, I am not trying to attack

Reference copy, JFK Collection: ESCA (Rg 233)

1 his memory at all. I think Mr.  
2 Spiesel probably thought he was tell-  
3 ing you the truth when he was on  
4 that witness stand. He is the most  
5 obvious paranoid case I have ever  
6 seen in my life, and it is no great  
7 wonder that he went down on Esplan-  
8 ade and picked out two houses and  
9 went in three houses, that these  
10 houses were similar in appearance  
11 and at one time or another had been  
12 owned by Mr. Shaw.

13 (Exhibiting sketch) That is the sketch  
14 that Mr. Spiesel drew of the apart-  
15 ment. You saw those apartments down  
16 there. There were none that vaguely  
17 looked like that, and I don't have  
18 to tell you that no time limit was  
19 put on Mr. Spiesel at all, he could  
20 have still been looking down there  
21 that afternoon if he had wanted to.  
22 But I say that I could not resist  
23 commenting upon the fact that the  
24 State would ask you to even consider  
25 this evidence. I would have expected

Reference copy, JFK Collection: ESCA (RG 233)

1                   them to get up and tell you that they 25  
2                   were regretful of having put him on  
3                   and to go ahead and decide the case  
4                   disregarding that evidence. That,  
5                   gentlemen, would have been a good-  
6                   faith presentation of this man.

7                   The next thing that hit me squarely be-  
8                   tween the eyes -- and I couldn't  
9                   believe my ears when I heard it --  
10                  was when Mr. Alcock told you that  
11                  Mr. Dymond will come before you in  
12                  his closing argument and tell you  
13                  that our case falls or stands on the  
14                  testimony of Perry Raymond Russo,  
15                  and that I agree with this in prin-  
16                  ciple. By "I", I mean Mr. Alcock.  
17                  Mr. Alcock is dead right. I will  
18                  tell you that the case stands or  
19                  falls on the testimony of Perry Ray-  
20                  mond Russo, and I am amazed that he  
21                  would admit this fact. I told you  
22                  when I came before you in the open-  
23                  ing argument, gentlemen, the opening  
24                  statement, that I would prove to you  
25                  that Perry Raymond Russo is a liar.

1 I have done that, and I will show you

26

2 later on in this argument how I have  
3 done it -- over, over, and over  
4 again -- but just in passing and in  
5 connection with this one remark of  
6 Mr. Alcock's, let me point this out:

7 Perry Raymond Russo when under cross-  
8 examination by me said that he could  
9 not remember who had gone to this  
10 conspiracy meeting with him. When I  
11 confronted him with his testimony  
12 from the preliminary hearing where he  
13 said that he was sure that Sandra  
14 Moffett and Lefty Peterson had gone  
15 into the apartment with him, what  
16 does he say?

17 "Oh, Mr. Dymond, you made me say that."

18 Gentlemen, you have been sitting here  
19 with me now for some 38 days. You  
20 have heard me examine witnesses, you  
21 have heard me cross-examine witnesses,  
22 and I ask you, I leave it to you,  
23 have you seen me badger any witnesses,  
24 force any witnesses to say anything,  
25 blackjack any witnesses into saying

Reference copy, JFK Collection: HSCA (Rg 233)



what they didn't want to say? No.

I will tell you what is behind that,

gentlemen. Perry Raymond Russo

since the preliminary hearing has

found out that Sandra Moffett and

Lefty Peterson won't back him up on

his story, so now he doesn't remember

who was with him. That is number

one.

The next thing that immediately came to

my mind when Mr. Alcock made that

statement, gentlemen, was Mr. Russo's

statement from that witness stand

that Clay Shaw was at this alleged

conspiracy meeting, and, gentlemen,

when I point out this lie to you,

this gets right down to the very

heart, to the core, to the meat of

this case.

And then what do we show you when we put

other witnesses on the stand? And I

will point out one of them, and that

is Lieutenant Edward O'Donnell. What

did Perry Russo tell Lieutenant

O'Donnell?

Reference copy, JFK Collection: ESCA (RG 233)

1 And let me say this in passing. This is  
2 the testimony not of some civilian,  
3 someone whom you would consider  
4 ordinarily to be a part of the  
5 Defense team you might say. This is  
6 a lieutenant on the New Orleans  
7 Police Department, a lieutenant whom  
8 the State has used many times as a  
9 witness whose testimony they will  
10 come before juries and laud and  
11 praise.

12 What does Lieutenant O'Donnell tell you?  
13 That Perry Raymond Russo told him  
14 that Clay Shaw was not at that meet-  
15 ing.

16 Gentlemen, that is the witness, the lying  
17 witness, that Mr. James L. Alcock  
18 admits that his case stands or falls  
19 on, and therefore by any logic at  
20 all must be the witness that he is  
21 asking you to believe in order to  
22 convict this Defendant, Clay Shaw.

23 How can any man do that?

24 And to put the icing on the cake, gentle-  
25 men, in almost the same breath in

Reference copy, JFK Collection: HSCA (Rg 233)

1           accusing Clay Shaw of lying, he very  
2           properly stated the principle of law  
3           to you to the effect that if you are  
4           convinced that any witness in this  
5           case has deliberately testified  
6           falsely to a material fact for the  
7           purpose of misleading you, you are  
8           entitled to disregard the entire  
9           testimony of that witness.

10           Gentlemen, I will buy that. That is a  
11           correct statement of the law, and  
12           that is a principle of the law that  
13           without anything else has to walk  
14           Clay Shaw out of this courtroom as  
15           free man after you deliberate on  
16           this case.

17           Now, gentlemen, getting to the State's  
18           evidence, the State's case.

19           The State's case as I see it has seven  
20           individual facets to it, that is,  
21           facets which are worthy of comment.

22           First, the Clinton, Louisiana, episode,  
23           then the Vernon Bundy episode out on  
24           the Lakefront, the Spiesel party in  
25           the French Quarter, the mailman,

Reference copy, JFK Collection: HSCA (RG 233)

James Hardiman's contention, Mr.

Shaw's trip to the West Coast, the Eastern Air Lines' VIP book, and the meeting at David Ferrie's house.

Those, gentlemen, are the seven facets, as I put it, of the State's case.

I have been practicing criminal law for quite a number of years, gentlemen, and I don't recall any other case in which I have been able to say this, but I unhesitatingly say it right now. This case has this peculiarity: if you take every word of the State's testimony as true on every one of these seven facets, there is no way in the world that you can properly return a verdict of guilty as charged, for the simple reason that, as Mr. Alcock states, the case stands or falls on the testimony of Perry Raymond Russo, and, as a matter of fact, even if you believe this man -- if you can -- what he says happened would not make this Defendant guilty

Reference copy, JFK Collection: ESCA (Rg 233)

1 of conspiracy.

2 Now, I am not going to quote to you from  
3 memory on this, gentlemen. I have  
4 stated that, and I can back it up by  
5 the actual testimony of Perry Raymond  
6 Russo, and I would like to do that.

7 The first excerpt that I would like to  
8 read to you -- this is a certified  
9 (copy), certified to by Mrs. Dietrich,  
10 the Court Reporter:

11 "Q. And is it your testimony that you  
12 sat in or listened in to a conspir-  
13 atorial meeting with a man whom you  
14 saw represented in the paper and on  
15 television as the killer of Presi-  
16 dent Kennedy, and didn't report it  
17 at that time to any law enforcement  
18 agency? Is that right?"

19 "A. No, I never said anything about a  
20 conspiracy. I didn't sit in on any  
21 conspiracies."

22 Now, gentlemen, Mr. Alcock says that you,  
23 the Jury, are the ones to determine  
24 whether certain conversation amounts  
25 to a conspiracy. I can't argue with

Reference copy, JFK Collection: ESCA (RG 233)

1 that, that is the law. However, I  
2 think that it is well worthy of com-  
3 ment that Perry Raymond Russo claims  
4 he was there. And this is no layman,  
5 gentlemen, completely, like we have  
6 sitting out in the audience. This is  
7 a college graduate who has also  
8 attended law school. He knows a  
9 little something about conspiracy,  
10 gentlemen.

11 That is a mild part of his testimony.

12 I know you have been here a long time,

13 but I will ask that you bear with me  
14 on reading these portions of testi-  
15 mony, because it is important, gentle-  
16 men,

17 "Q. In Baton Rouge did you not then know  
18 that you had seen and heard three  
19 people plan to assassinate President  
20 Kennedy?"

21 "A. Well, I don't know if I had seen or  
22 heard three people plan to assassi-  
23 nate Kennedy. I heard a discussion  
24 about shooting Kennedy as well as I  
25 heard the discussion on the street

Reference copy, JFK Collection: HSCA (RG 233)

1 about killing Judge Perez or killing  
2 Martin Luther King or killing some-  
3 body else.

4 "Q. You knew at that time that the Dis-  
5 trict Attorney from the Parish of  
6 Orleans was being represented by Mr.  
7 Sciambra, who was investigating the  
8 assassination of President Kennedy,  
9 didn't you?

10 "A. Yes, that is correct.

11 "Q. And you knew your story about the  
12 meeting on Louisiana Avenue Parkway,  
13 didn't you?

14 "A. Yes, right.

15 "Q. And you knew that President Kennedy  
16 had been assassinated? Is that cor-  
17 rect?

18 "A. President Kennedy had been assassi-  
19 nated, yes.

20 "Q. Knowing all of these things, you  
21 thought that the philosophy of David  
22 Ferrie was the big deal he wanted to  
23 talk to you about and that you wanted  
24 to talk to him about? Is that right?

25 "A. That is what I thought was the most

Reference copy, JFK Collection: HSCA (RG 233)

important."

The philosophy of David Ferrie, gentlemen.

We go now to another portion of Russo's  
testimony:

"Q. As a matter of fact, Mr. Russo, isn't  
it a fact that you did not really  
take this seriously, what you heard  
up there on Louisiana Avenue Parkway?

"A. Initially you could not believe  
Ferrie, and you could not believe  
him -- from the first encounter I  
had with him he was just prone to  
spectacular --

"Q. I see. Did this not have all the  
characteristics of a bull session,  
that you had related?

"A. Every characteristic of it.

"Q. It did?

"A. Yes.

"Q. Would it be possible that that is  
why you did not take it sufficiently  
seriously to accentuate it in any  
statement that you gave to Mr.

Sciambra when he came to Baton Rouge?

"A. Well, I don't know if that was one

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1 of the reasons. Everything was  
2 jammed into a couple of hours up in  
3 Baton Rouge, and most of it was look-  
4 ing at photographs, when or where I  
5 had seen these people, and he didn't  
6 go into great detail. I did talk to  
7 some extent about the way Ferrie  
8 felt about certain things. I thought  
9 this was important.

10 "Q. But even at that time you still re-  
11 garded what you had witnessed as more  
12 or less a bull session, is that  
13 correct?

14 "A. At that time I really didn't have  
15 any opinion, because Ferrie's photo-  
16 graph had come into the newspapers.

17 "Q. But actually you didn't have a  
18 contra-opinion to that either, did  
19 you?

20 "A. Right."

21 Going further:

22 "Q. Is it not a fact that the conversa-  
23 tion you heard up there could have  
24 just as well have been an inconse-  
25 quential bull session as it could

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1 have been anything else?

2 "A. Yes.

3 "Q. Your answer is yes, Mr. Russo?

4 "A. Yes, sir."

5 Turning to the second volume:

6 "Q. Did you ever verbally indicate dis-  
7 agreement with the idea, Mr. Russo,  
8 when Ferrie told you this privately?

9 "A. Well, I told him it would not be  
10 possible.

11 "Q. But you never did say that it was  
12 not a good idea or affirmatively  
13 state that you would not help him,  
14 did you?

15 "A. Well, all he was doing was lecturing,  
16 and he would state this: there are  
17 two things, the front and the back  
18 of the auditorium. This idea of his  
19 where the back man fires a shot just  
20 to attract attention, a real quick  
21 shot, and almost instantly a man in  
22 front fires a dead-end shot for the  
23 speaker, that would be in the front  
24 of the auditorium. And it was not  
25 much of a conversation, he just

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1                   stated the facts. I said, 'Well,  
2                   that is impossible.'

3           "Q. And it was quite common for Ferrie  
4           to lecture in this way, as you have  
5           put it, was it not?

6           "A. Right.

7           "Q. In all fairness, would you say he may  
8           have been just lecturing at this  
9           meeting?

10          "A. I can't really say he was lecturing  
11          or not. He seemed to be talking with  
12          the Defendant and also with Oswald,  
13          with some exchange from him.

14          "Q. Just as he had talked to you on pre-  
15          vious occasions, is that right? --  
16          On one occasion?

17          "A. On one occasion, yes."

18          Turning again:

19          "Q. Being the opinionated man that you  
20          say Ferrie was, and with this ten-  
21          dency to express his opinions as you  
22          have described, is it not a fact that  
23          he would not be out of character at  
24          a party of this kind saying that the  
25          President should be killed and we

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1 will get him, as he had said many  
2 times before?

3 "A. Are you asking me was he out of  
4 character for that?

5 "Q. That is correct, yes.

6 "A. No, I don't think so.

7 "Q. In other words, that was something  
8 that you, knowing David Ferrie, would  
9 have more or less expected, isn't  
10 that right?

11 "A. More or less.

12 "Q. What you heard that night came as no  
13 great shock to you, did it?

14 "A. No. I agree.

15 "Q. As a matter of fact, Mr. Russo, if  
16 you had really taken this as a ser-  
17 ious threat upon the life of Presi-  
18 dent Kennedy, wouldn't you have gone  
19 and reported it to the FBI or the  
20 Secret Service, if you had really  
21 thought the President was going to  
22 be killed as a result of this?

23 "A. Probably if it was the first time I  
24 ever met David Ferrie I would have,  
25 but this was preceded by eighteen or

Reference copy, JFK Collection: HSCA (Rg 233)

twenty months."

Turning again. We have only a couple of more of these, gentlemen.

"Q. Is it not a fact that in response to a question by Sergeant O'Donnell as to whether Clay Shaw was at the party which you have described, you replied, 'Do you want to know the truth?' And when he said yes, you said, 'I don't know if he was there or not!?'"

"A. With some explanation, the statement is accurate."

Now, gentlemen, that is the reason that I say that you can just take the State's testimony in its entirety, take it as true, and there is no way on God's earth that a verdict of guilty can possibly be returned. The testimony itself does not make out a case. The State went to great lengths with this blackboard and figures and arithmetic and so forth, and also trying to show you how many guns, how many people there were in Dealey

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1 Plaza, but, gentlemen, just keep this 40  
2 in mind: It doesn't matter whether  
3 there was one man there or ten men  
4 there. No case of conspiracy has  
5 been made out against this Defendant.  
6 As I say, it is not a question of  
7 whether or not you believe the Warren  
8 Report. I know you gentlemen can  
9 distinguish that in your minds, and  
10 I ask you to.

11 Gentlemen, getting on with the State's  
12 case, I had mentioned that I felt  
13 that there seven facets to this case.  
14 I would like to go down the line on  
15 these facets and analyze them, see  
16 what has been shown and what hasn't  
17 been shown.

18 The first one that we will touch upon is  
19 Clinton, Louisiana.

20 Let me first say that you have here a  
21 group of witnesses who come forward  
22 some five years after an alleged  
23 happening back in 1963, and out of  
24 a one-man lineup, which is what it  
25 amounted to, identified this Defen-

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dant, Clay Shaw, as someone whom they 41  
had seen in Clinton.

Now I am not going to bore you with what  
each one of these witnesses said,  
but just let me point out a couple  
of discrepancies here that I think  
should be considered.

You have one man saying that he had a hat  
on, another one saying he did not  
have a hat on -- the same day. The  
one that said he did have a hat on  
supposedly identified him by his  
gray hair. One of these witnesses  
said that he had a white shirt on,  
the other said he had a dark shirt  
on. One of the witnesses could not  
even tell you whether the car was  
parked to the right or to the  
left as you came out of the Voter  
Registration Office. And how do  
all of these witnesses happen to  
remember this particular day? I  
doubt that you remember, gentle-  
men, because it seemed insignifi-  
cant at the time. They knew that

1                   it was right in late August or  
2                   early September because it was  
3                   cold, they had a fire and it was  
4                   really a nice cool day.

5           If you will remember, gentlemen, we put  
6           into evidence the records of the  
7           United States Weather Bureau, we  
8           had the weatherman testify here  
9           that during that entire period  
10          there was one day, gentlemen --  
11          one day! -- when the high was  
12          under 90 degrees, it went down  
13          to 89 or 88 on that one day.

14       Gentlemen, I think that it is appro-  
15       priate, in view of the fact that  
16       we are dealing here with eye-  
17       witness identification, as we  
18       lawyers call it, and as I call  
19       this particular one awfully stale,  
20       weak eye-witness identification,  
21       that I read to you what Justice  
22       Brennan of the United States  
23       Supreme Court had to say in quot-  
24       ing Justice Frankfurter in regard  
25       to eye-witness identification.



This is read from the United States Supreme Court decision in the case of United States vs. Wade, which was decided in 1967. This, gentlemen, is written by a Supreme Court Justice, as are all Supreme Court Opinions, which someone who of necessity knows his way around courtrooms, knows what types of testimony are dependable, what types should be cast aside;

"The vagaries of eye-witness identification are well known. The annals of criminal law are rife with instances of mistaken identification. Mr. Justice Frankfurter once said (and here is where he goes on to quote him): 'What is the worth of identification testimony even when uncontradicted? The identification of strangers is proverbially untrustworthy. The hazards of such testimony are established by a formidable number of instances in the records of

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English and American trials.

These instances are recent, not due to the brutalities of ancient criminal procedure. The case of Sacco and Vanzetti in 1927, a major factor contributing to the high incidence of miscarriage of justice from mistaken identification, has been the degree of suggestion inherent in the manner in which the prosecution presents the suspect to witnesses for pre-trial identification."

That, gentlemen, will call your attention to the one-man lineup deal that we had.

A commentator has observed that the influence of improper suggestion upon identifying witnesses probably accounts for more miscarriages of justice than any other single factor. Perhaps it is responsible for more such errors than all other factors combined.

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"With all eye-witness identification in criminal cases, suggestion can be created intentionally or unintentionally in many subtle ways, and the dangers for the suspect are particularly grave when the witness's opportunity for observation was insubstantial and thus his susceptibility to suggestion the greatest. Moreover, it is a matter of common experience that once a witness has picked out the accused at the lineup, he is not likely to go back on his word later on. So that in practice the issue of identity may in the absence of other relevant evidence for all practical purposes be determined then and there before the trial."

I thought, gentlemen, it was appropriate to read that to you to aid you in evaluating these Clinton, Louisiana, witnesses. However, we will also ask that you consider the witnesses which the Defendant

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1 put on in this pageant.

2 We brought before you Mr. Lloyd C. Cobb.

3 Gentlemen, I can unhesitatingly  
4 say that no one who knows Mr. Cobb  
5 would argue with the fact that he  
6 is one of the leading citizens of  
7 New Orleans, a man who would not  
8 dream of getting on that witness  
9 stand and lying, perjuring himself  
10 for anybody or anything.

11 Mr. Cobb testified to you that during  
12 this same period when this Defen-  
13 dant was supposed to be running  
14 around the countryside up to  
15 Clinton, Louisiana, running up  
16 there with David Ferrie and Lee  
17 Harvey Oswald, who-have-you, that  
18 Mr. Cobb and this Defendant, Clay  
19 Shaw, were engaged in perhaps the  
20 three or four busiest months in  
21 the lives of either one of them.

22 Now, gentlemen, this was not something  
23 that Mr. Cobb had to call on his  
24 memory for in order to determine  
25 the dates. He has his leases, he

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1 knew when they were negotiating  
2 these leases, he knew when his  
3 deadline was, and I am sure that  
4 when you heard the testimony of  
5 Mr. Cobb that he knew where Clay  
6 Shaw was during every working day --  
7 and this had to be a working day up  
8 in Clinton, the barbershops were  
9 open, the Voter Registration Office  
10 was open -- that you knew that it  
11 was absolutely ridiculous to believe  
12 that this man would be running up  
13 to Clinton for any purpose, or that  
14 he could have done it and not have  
15 been missed by Mr. Cobb.

16 Now, this testimony was corroborated by  
17 that of Miss Goldie Moore, Mr.  
18 Cobb's secretary while he was in  
19 the Trade Mart. I recall Miss  
20 Moore goofed a bit on the dates.  
21 As you undoubtedly noticed, she  
22 had the dates mixed up as to when  
23 this busy period was. She was one  
24 month off. But, gentlemen, that  
25 doesn't change the picture. There

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1 is no way in the world that this  
2 Defendant could have been in  
3 Clinton, Louisiana, when the State  
4 claims that he was there, unless  
5 Lloyd Cobb is lying, Goldie Moore  
6 is lying, and Clay Shaw is lying.  
7 Now, if you can conclude that on the  
8 basis of the type of identification  
9 that we had from Clinton, more  
10 power to you. I don't see how  
11 you can.

12 We go on, gentlemen, from the Clinton  
13 episode to this deal with Vernon  
14 Bundy on the Lakefront.

15 Now, gentlemen, Mr. Alcock said that  
16 he would not apologize to you for  
17 having put Bundy on the witness  
18 stand. Well, let me say that now  
19 I as an officer of the Court will  
20 apologize to you for your having  
21 been subjected to him. And I  
22 mean that.

23 Gentlemen, this fantastic story that  
24 this convicted thief, this  
25 admitted liar, this inveterate

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1 and veteran narcotics addict, told  
2 on this witness stand is worthy of  
3 Alice in Wonderland.

4 Let's look at it. Let's consider some-  
5 thing that Mr. Alcock -- something  
6 else that he said in his opening  
7 argument. He told you that when  
8 Bundy was sitting out on that sea-  
9 wall that he had only two things  
10 in mind: shooting those narcotics  
11 and avoiding arrest, and that is  
12 why he was able to look right at  
13 Mr. Shaw and be sure of his identi-  
14 fication.

15 Gentlemen, Mr. Alcock is right. Narcotics  
16 addicts are very properly in fear  
17 of arrest when they are fooling  
18 with narcotics, and it is abso-  
19 lutely beyond the belief of any  
20 reasonable man that Vernon Bundy,  
21 this man who has been taking junk  
22 since he was 13 years old, by his  
23 own testimony, that Vernon Bundy,  
24 who was living in a 25-room house,  
25 would leave the security and

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1 safety of his own home, the security  
2 and safety of his own bathroom where  
3 he could flush the toilet, flush  
4 the dope down the toilet if the  
5 police came, and where the police  
6 probably wouldn't come anyway, and  
7 carry this dope out to a public  
8 place out on the seawall at the  
9 Lakefront to shoot dope.

10 Gentlemen, that is absolutely fantastic,  
11 it is absolutely beyond belief!

12 And then what else does this witness  
13 say? If you will recall -- let  
14 me back up just a little bit.

15 The State is probably going to get up  
16 here and answer that last statement  
17 of mine by saying that Bundy didn't  
18 want his family to find out that  
19 he was fooling with narcotics, or  
20 that his mother knew it already  
21 and it aggravated his mother,  
22 therefore he didn't want to.

23 Gentlemen, I just ask you to ask your-  
24 selves, would Bundy have rather  
25 been caught by his mother or would

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1 he rather have had a police officer  
2 walk up on him and arrest him? It  
3 is not even close.

4 Now let's get on to the other completely  
5 unbelievable point in Bundy's  
6 testimony. Bundy, if you will  
7 recall, under cross-examination  
8 by me admitted that there was at  
9 least a mile of vacant seawall in  
10 each direction from where he was  
11 shooting this dope. Now, with two  
12 miles of vacant seawall there,  
13 gentlemen, Bundy tells you that  
14 this Defendant picked the very  
15 spot where he, Bundy, is sitting  
16 to meet with Lee Harvey Oswald to  
17 turn over money to Oswald. The  
18 implication is that at that time  
19 they were probably planning to  
20 kill the President. Gentlemen,  
21 what is the matter with some spot  
22 in one direction or the other?  
23 That doesn't make sense.

24 Now, gentlemen, getting on a little  
25 further with this fellow, Bundy,

1 and again calling your attention to  
2 Mr. Alcock's correct statement of  
3 the law that if anybody testifies  
4 falsely, and so forth, let me  
5 remind you that this man is a con-  
6 victed thief, and that he lied on  
7 that witness stand and got caught  
8 in his own lie.

9 If you will recall, I asked him on  
10 cross-examination where he got  
11 his money for this narcotic habit,  
12 and he had the temerity to sit on  
13 that stand and tell you that he  
14 got it from his job as a presser  
15 and some little money from his  
16 grandmother. Bundy, unfortunately  
17 for him, gentlemen, had forgotten  
18 about his testimony on the pre-  
19 liminary hearing. I asked him  
20 whether he stole to satisfy this  
21 habit when he testified here. Oh,  
22 no, he didn't. He'd forgot that  
23 on the preliminary hearing he had  
24 admitted to me under cross-examination  
25 that he stole regularly to satisfy

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1 this habit. I confronted him with  
2 his testimony, and he said, "Oh,  
3 yes, if somebody left something  
4 there I would pick it up." That  
5 is not stealing.

6 Gentlemen, this is another one, another  
7 one in the parade of unfit wit-  
8 nesses that the State has trotted  
9 out before you and on the basis of  
10 whose testimony they are asking  
11 you to return a verdict of con-  
12 viction. You can just stand them  
13 in line. Spiesel was there first,  
14 and Bundy can now take his place  
15 right alongside of him, but for a  
16 different reason.

17 Now, gentlemen, I won't go at length  
18 into the Spiesel testimony.

19 Frankly, I wouldn't insult your  
20 intelligence by doing so. Suffice  
21 it to say that we can add just one  
22 more little impossibility to this  
23 story, and that is, here we have  
24 Spiesel in a group of complete  
25 strangers, people who have never

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1           seen him before, and they are going  
2           to plan to kill the President right  
3           in front of him. That makes a  
4           great deal of sense, too.

5           We come now, gentlemen, to the mailman  
6           incident, the testimony of Hardiman.

7           Very frankly, gentlemen, I don't quite  
8           understand this old gentleman's  
9           testimony. I will be perfectly  
10          frank with you. I cannot in sin-  
11          cerity stand here and tell you I  
12          think he was lying. I think the  
13          old man thought he was telling the  
14          truth. But I can also with equal  
15          sincerity tell you that he was  
16          100 percent dead flat wrong. I  
17          think that the key to his error  
18          can be found in the completely  
19          fictitious name which I gave to  
20          him. On cross-examination in try-  
21          ing to find out just whether he  
22          knew what he was talking about, I  
23          said, "Mr. Hardiman, do you remember  
24          having delivered any mail to Clif  
25          Boudreaux at that address?"

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1 He said, "Yes, I do."

2 I said, "Well, have you delivered any  
3 mail to Clif Boudreaux within the  
4 last six months?"

5 He said, "Yes, I have."

6 Well, gentlemen, as you learned when  
7 Mr. Jeff Biddison took the witness  
8 stand, there just wasn't any such  
9 person as Clif Boudreaux, and I  
10 can tell you right now that Clif  
11 Boudreaux came from right here  
12 (tapping forehead) just like Clay  
13 Bertrand came from Dean Andrews's  
14 head.

15 From that we see that had there been a  
16 person named Clif Boudreaux, had  
17 there been a person whose alias  
18 was Clif Boudreaux, had he been  
19 in the same spot that Clay Shaw  
20 finds himself right now, Mr.  
21 Hardiman would have been willing  
22 to testify that he had received  
23 mail in the name of Clif Boudreaux  
24 at that address, which is identi-  
25 cally the same thing.

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1 I tell you again in all sincerity, I

2 don't think the old man was lying  
3 when he told me that he had de-  
4 livered mail to Clif Boudreaux; I  
5 think he thought he was telling the  
6 truth, but God knows it is obvious  
7 that he wasn't.

8 Now, we don't have to rely entirely upon  
9 this trick of cross-examination  
10 which I used to rebut the testimony  
11 of Mr. Hardiman. We presented to  
12 you a witness of the highest caliber,  
13 a top-flight witness, in Mr. Jeff  
14 Biddison. Jeff Biddison has been  
15 a friend of Clay Shaw's for many  
16 years. As a matter of fact, I think  
17 Mr. Alcock tried to belittle his  
18 testimony by commenting upon that.  
19 I will ask you right now in passing,  
20 gentlemen, don't some of you men  
21 have friends of twenty years' stand-  
22 ing? I am sure you do. But does  
23 that mean that you would get on  
24 that witness stand and raise your  
25 hand to God and tell a lie for him

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1 if he were charged in a criminal  
2 case? I don't think so. I wouldn't.

3 Now, what does Jeff Biddison tell you?

4 Jeff Biddison told you that he  
5 received all of the mail that came  
6 for Clay Shaw, that he picked up  
7 all of the mail at his own home  
8 there, and that there was no Clem  
9 Bertrand mail, gentlemen.

10 Now, who is in a better position to  
11 know -- Mr. Biddison, who lived  
12 there, or Mr. Hardiman, who had  
13 perhaps 700 or 800 houses on his  
14 route three years ago?

15 I might also mention in that connection,  
16 gentlemen, that if there were any-  
17 thing at all to the State's case,  
18 if Clay Shaw had conspired under  
19 the name Clay or Clem Bertrand, to  
20 murder President Kennedy, by any  
21 stretch of the imagination can you  
22 think that by 1966 he wouldn't  
23 have quit using that name? Remember,  
24 by that time the Warren Report had  
25 come out, the name "Bertrand" had

1           been made an issue, Dean Andrews  
2           had testified before the Warren  
3           Commission, people knew of Clem  
4           Bertrand and Clay Bertrand. Does  
5           it make sense that this man would  
6           still be going around by the name  
7           of Clem Bertrand if he had done  
8           that? Gentlemen, if he would, I  
9           think the State is wrong in trying  
10          to send him to Angola, they ought  
11          to send him to Jackson.

12          Gentlemen, next we come to Facet Number  
13          Five of the State's case. That is  
14          the trip to the West Coast by Clay  
15          Shaw.

16          The State would have you believe that  
17          this was planned far in advance,  
18          that Mr. Shaw was going to go out  
19          to the West Coast so as to have an  
20          alibi. You were shown the corres-  
21          pondence that was introduced into  
22          evidence, you were told when the  
23          arrangements for this speaking  
24          trip were made, you were shown  
25          the pamphlet of the actual meeting

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1 at which he was to speak. The  
2 State got real sinister on this  
3 deal in their opening statement,  
4 and they told you that they were  
5 going to show that the same travel  
6 agency that arranged this trip  
7 arranged for Lee Oswald to go to  
8 Russia. That was the last I heard  
9 of it, gentlemen. I don't know  
10 what happened to that evidence.  
11 But, frankly, I don't know of what  
12 significance it would have been  
13 anyway.

14 Now, the absolutely ridiculous part about  
15 this contention that this perfectly  
16 legitimate speaking trip was actually,  
17 as the State would claim, an overt  
18 act in a conspiracy, is this: If  
19 you are here in New Orleans, why  
20 are you going to go out to the West  
21 Coast to get an alibi for a crime  
22 that is being committed in Dallas?  
23 Once again, gentlemen, it doesn't  
24 add up. No earthly reason.

25 Now we come to the VIP Room out in the

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1 Eastern Air Lines' section of the  
2 Moisant Airport.

3 Gentlemen, before we get to talking  
4 about handwriting experts on this,  
5 let's first touch lightly upon  
6 what the State contends happened  
7 here.

8 First of all, the time, December 14,  
9 1966. President Kennedy murdered,  
10 the name Clay Bertrand made public  
11 by the Warren Commission, played  
12 up in the New Orleans newspapers  
13 because of Dean Andrews. Clay  
14 Shaw goes out to the airport with  
15 somebody else, goes into the VIP  
16 Room for no purpose other than to  
17 sign his name "Clay Bertrand" in  
18 the VIP book.

19 Once again, gentlemen, that would be  
20 the act of a complete lunatic, if  
21 you are to believe the State's  
22 case.

23 On top of that, what does Jessie Parker  
24 do but refuse or fail to identify  
25 Claw Shaw when she is brought out

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here and he is pointed out to her  
in the courtroom.

Then, gentlemen, we come to the question  
of handwriting experts.

Let me say before we get off on this  
one that it has to be obvious to  
you by now the amount of money  
that the State has spent on this  
case. The things that you have  
been shown here don't come cheap.  
You don't get the slides and  
exhibits and the expert testimony  
that has been presented here for  
peanuts, ladies and gentlemen.

That being the case, and with the  
obvious availability of funds,  
can anybody make any man on this  
Jury believe that the State hadn't  
tried to confirm Jessie Parker's  
statement by an expert in the  
field of handwriting before they  
called that woman yesterday?  
Gentlemen, I don't know what it  
would take to make me believe  
that, but it would have to be

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1 something pretty monumental. No  
2 way in the world. Do you think  
3 that the State wanted a handwrit-  
4 ing expert to be caught short, to  
5 have to make a last-minute quickie  
6 examination of these documents?  
7 Why, of course not! The answer is,  
8 gentlemen, that they had to have  
9 tried other experts and could not  
10 get one to say what they wanted  
11 him to say. That is the reason  
12 that they finally found a last-  
13 minute fill-in.

14 Now let's get down to it and compare  
15 these two experts.

16 I don't know anything of the profes-  
17 sional reputation of Mrs. McCarthy,  
18 who took the witness stand for  
19 the State, but I will say of the  
20 Defense expert, the old gentleman  
21 that we put on the witness stand,  
22 who conducted not a makeshift,  
23 not a quickie examination of these  
24 signatures, but who conducted a  
25 scientific, proper and thorough

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1 examination, that he is one of the  
2 foremost handwriting experts in  
3 our country. Gentlemen, he served  
4 for many years with the Federal  
5 Bureau of Investigation as head of  
6 their department of handwriting  
7 analysis. Now, I knew when we  
8 brought him down here that we were  
9 going to step into a buzzsaw as  
10 soon as he said Federal Bureau of  
11 Investigation, because, as you  
12 know, the State is going to try  
13 to make you believe that we have  
14 bunch of boogiemens, a bunch of  
15 real culprits (in) the FBI, the  
16 Secret Service, every governmental  
17 agency that you can name. Be that  
18 as it may, gentlemen, this man  
19 hasn't been with the FBI since  
20 1948. The State tries to tell  
21 you that he had a fixed opinion  
22 before he came down here. He  
23 didn't say that. You heard what  
24 he said from the witness stand.  
25 He said that he volunteered to

1                   come down here without charge when  
2                   he found out that we didn't have  
3                   the money to pay for an expert.  
4                   And why was he willing to do it?  
5                   He was willing to do it in the  
6                   interest of justice, gentlemen.

7                   Now, can you doubt his qualifications?

8                   Could he have held the jobs that  
9                   he has held, been with the FBI as  
10                  long as he was, unqualified? No.  
11                  Can you doubt his truthfulness and  
12                  sincerity, doubt the truthfulness  
13                  and sincerity of a man who leaves  
14                  his gainful occupation and comes  
15                  down here for nothing, out of a  
16                  sense and spirit of justice?

17                 I submit to you, gentlemen, that this  
18                 man gave you a good analysis of  
19                 that handwriting, he gave you a  
20                 firm opinion that that was not  
21                 Clay Shaw's writing. The lady  
22                 wouldn't go that far, she said  
23                 that there is a great probability  
24                 that it is, after her makeshift  
25                 examination.

Reference copy, JFK Collection: ESCA (Rg 233)

1 I leave that one with you, gentlemen,  
2 and I don't have any doubt as to  
3 what you will think of the VIP  
4 book.

5 Gentlemen, I think that this is an appro-  
6 priate place to mention Mr. and  
7 Mrs. Nicholas Tadin, the two wit-  
8 nesses who took the stand yesterday  
9 evening as a team and stated to  
10 you that they had seen Clay Shaw  
11 out at the Lakefront Airport in  
12 the company of David Ferrie.

13 Well, now, I have several comments to  
14 make on this, gentlemen. First  
15 of all, you would be justified in  
16 asking me whether I think these  
17 two people are lying or whether  
18 I think they are mistaken. I  
19 don't know. I think they are pro-  
20 bably mistaken. I don't know why  
21 they should lie, if they are  
22 lying, but I will say this, that  
23 whatever the husband is doing,  
24 the wife is doing the same thing.  
25 That poor woman was scared to death

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1 when she got on that witness stand.

2 She said, "I came here because my  
3 husband told me to." And, frankly,  
4 I don't blame her. If a girl had  
5 a husband who walks around, talks  
6 about hitting people in the jaw  
7 with two-by-fours, I can well  
8 understand her fear. But let's  
9 just analyze now the testimony of  
10 these two people.

11 First of all, how do they say that they  
12 saw Mr. Shaw in Ferrie's company?  
13 They see Ferrie walk out of the  
14 hangar and three feet behind him  
15 comes Clay Shaw. They ask Ferrie  
16 was this a new student that you  
17 have as Shaw is walking over.  
18 Ferrie said no, that is my friend,  
19 Clay Shaw.

20 Gentlemen, remember that all the recog-  
21 nition was on the part of David  
22 Ferrie there. Whether he, knowing  
23 Mr. Shaw to be a prominent man,  
24 was trying to impress his student's  
25 family, I don't know, but I will

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1 have a lot more to say on this.

2 First of all, you must realize, it  
3 has to be clear to you, that this  
4 case would have been much, much  
5 safer to defend by saying that Clay  
6 Shaw knew David Ferrie. Mr. Shaw  
7 has had us as his lawyers -- and I  
8 pride ourselves on not being stupid.  
9 Don't you know that we realized  
10 when I got up here before you and  
11 told you that Clay Shaw had never  
12 laid eyes on these people, that we  
13 realized that there was always a  
14 possibility of someone coming forth  
15 like this and claiming to have seen  
16 them together? There is no doubt  
17 about that, but our defense, gentle-  
18 men, has been based on truth, it has  
19 been based on truth from scratch.  
20 And Shaw did not get up there on  
21 the stand and I did not get up  
22 before you and tell you that he  
23 knew David Ferrie, because he did  
24 not know him. The point that I am  
25 making is that if he did know him,

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1 our defense wouldn't have been any  
2 different in this case. It would  
3 have been a lot safer, yes, but  
4 what you must remember is this,  
5 that for you to even consider the  
6 testimony of these two Tadin people,  
7 what do you have to do? You have  
8 to accept the testimony of Perry  
9 Raymond Russo. And, gentlemen, if  
10 you can accept that, it is beyond  
11 me. If you don't accept that, what  
12 difference does the Tadin's testi-  
13 mony make? None at all.

14 Once again, gentlemen, I would point  
15 out that we are talking about --  
16 the Tadin's -- 1964, which is less  
17 than a year after the assassination.  
18 Do you think for one moment that  
19 if Mr. Clay Shaw had conspired  
20 with Ferrie and Oswald to murder  
21 the President, that he would have  
22 been seen out at a public airport  
23 with one of the co-conspirators  
24 after the meeting? No way. Do  
25 you think for one moment -- and I

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ask you this assuming that some of you gentlemen know something about this Lakefront Airport -- that had Mr. Shaw been out there with Ferrie at a crowded airport like this airport is, that other people wouldn't have seen him and come forth? I think it is inconceivable to think that they wouldn't have.

Now, before I leave the testimony of the Tadins, gentlemen, let me remind you again that these people came forth -- when? -- yesterday morning. Why did they come forth not until yesterday morning? Because they didn't want to get involved.

I cannot buy their testimony, gentlemen.

We get now to the last of the seven facets of the State's case, that is, the meeting that Perry Russo tells about at 3330 Louisiana Avenue Parkway. That is Dave Ferrie's apartment.

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1 Now let's analyze Russo and let's trace  
2 his happenings (sic) in connection  
3 with this matter.

4 Russo is living up in Baton Rouge. Jim  
5 Garrison starts his investigation  
6 down here. It is published in the  
7 papers. Russo finds out that  
8 Ferrie has died, and he wants to  
9 get in on the act, so what does  
10 he do? Does he call the District  
11 Attorney? Does he call anybody?  
12 Yes, he calls somebody. He tells  
13 you that he called the police and  
14 they wouldn't even listen to him,  
15 but then who does he end up call-  
16 ing? The Baton Rouge State Times,  
17 the newspaper. Mr. Jim Kemp of  
18 the Baton Rouge State Times came  
19 out and interviewed him. Russo  
20 told Phelan later that he wanted  
21 to get the whole story down with  
22 somebody. So Russo gives his  
23 story to Jim Kemp.

24 Now, gentlemen, we have read to you  
25 verbatim the Jim Kemp interview

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1 with Russo in Baton Rouge. Not  
2 one single word about Clay Shaw,  
3 Clay Bertrand, Clem Bertrand, a  
4 conspiracy meeting, any meeting  
5 at David Ferrie's. Why? He  
6 wanted to get it all down. So  
7 what does Russo do then but grant  
8 interviews to other TV stations  
9 and radio people in Baton Rouge,  
10 Nothing in any of those interviews,  
11 but they did run something on the  
12 air that interested Mr. Sciambra  
13 or Mr. Garrison, and Sciambra goes  
14 up to Baton Rouge to interview  
15 Perry Raymond Russo.

16 Gentlemen, I hate to beat a dead dog,  
17 but here comes the Sciambra memor-  
18 andum that we have heard so much  
19 about.

20 THE BAILIFF:

21 Order, please.

22 MR. DYMOND:

23 You know, when I was sitting here listen-  
24 ing to the arguments of the other  
25 counsel, I leaned over to Billy

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1                   Wegmann and I said, "Billy, my  
2                   God, I have thought of something.  
3                   We have got to be stupid. Why  
4                   didn't we think of it before?"

5                   He said, "What is that?"

6                   I said, "Sciambra claims that Russo  
7                   told him about the conspiratorial  
8                   meeting and identified a picture  
9                   of Clay Shaw in Baton Rouge on the  
10                  25th of February, and Clay Shaw  
11                  wasn't arrested until March 1."

12                  He said, "Good God, you are right."

13                  Where were they, gentlemen? Does that  
14                  answer the question as to when  
15                  Perry Russo first mentioned any-  
16                  thing about this? If it doesn't,  
17                  the DA's office sure dragged its  
18                  feet, gentlemen, from the 25th of  
19                  February until March 1 arresting  
20                  a man that they claim assassinated  
21                  or conspired to assassinate the  
22                  President of our United States.

23                  So Mr. Sciambra goes up there and sits  
24                  for some two and a half or three  
25                  hours with Perry Raymond Russo,

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1 and Russo tells him his story. Mr.  
2 Sciambra writes up a memorandum to  
3 Mr. Garrison reporting on the inter-  
4 view with Russo. 'Lo and behold,  
5 gentlemen, we find out that there  
6 is nothing in the memorandum. All  
7 kinds of explanations are set forth  
8 as to why it isn't in there. Mr.  
9 Sciambra went up there in connec-  
10 tion with the investigation of the  
11 assassination, went up there with,  
12 supposedly, pictures of Shaw on  
13 him. Russo supposedly identified  
14 one of these pictures of Shaw as  
15 Clem Bertrand, supposedly identified  
16 the roommate as Leon Oswald or Lee  
17 Harvey Oswald, and there is nothing  
18 written about it, but he writes  
19 about a lot of other things in  
20 there. Gentlemen, I will tell you,  
21 this is like a man going lion hunt-  
22 ing and killing a lion and a rabbit,  
23 coming back and writing a story  
24 about the trip and forgetting to  
25 mention the lion. That is what it

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amounts to.

Gentlemen, I hesitate to bore you with a reading of this entire Sciambra memorandum, so rather than do that, rather than eat up your time in this way, I am going to ask you if there is any man on the Jury who has any doubt as to whether anything about a conspiratorial meeting, anything about Clay Shaw, Clem Bertrand, Clay Bertrand, is in this memorandum. If you have any doubts, I will read it to you word for word. Apparently you don't.

Gentlemen, Mr. Jim Phelan, one of the top columnists in the country, labeled by Mr. Sciambra a "journalistic prostitute," apparently used nobody in the good graces of Jim Garrison, so Mr. Sciambra writes this memorandum up. He tells you that he -- the memorandum is dictated the 27th, and Mr. Sciambra tells you that he did not -- no, it is dated February 27 -- Mr.

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1           Sciambra tells you that he did not  
2           even finish dictating this memor-  
3           andum until seven to ten days  
4           after the 27th, and says about  
5           another memorandum, it was suppos-  
6           edly dictated ahead of it.

7           Gentlemen, in that connection, I would  
8           like to call your attention to the  
9           testimony of Jim Phelan -- not only  
10          to his testimony but to what he  
11          pulled out of his pocket, a hotel  
12          bill, a receipt from The Sands in  
13          Las Vegas, showing where he stayed  
14          there from the 4th until the 6th  
15          of March. Jim Phelan testified  
16          that he went out to Las Vegas, met  
17          Jim Garrison out there, and Jim  
18          Garrison turned over to him the  
19          Sciambra memorandum, and that this  
20          meeting took place on the 6th of  
21          March. Count your days, gentlemen,  
22          between the 27th of February and  
23          the 6th of March when this memor-  
24          andum not only had been finished  
25          being dictated but had been delivered

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1 to Jim Garrison, and Jim Garrison  
2 had gone out to Las Vegas, Nevada,  
3 obviously having had time to read  
4 it over, and then gave it to Phelan.  
5 Does that add up with the testimony that  
6 this memorandum wasn't even com-  
7 pletely dictated until seven to  
8 ten days after February 27? My  
9 arithmetic is bad if it does,  
10 gentlemen. I know it is not the  
11 best, but I don't believe it is  
12 that bad.

13 Well, Jim Phelan went over this memor-  
14 andum very carefully. He said that  
15 he read it six times, was completely  
16 shocked by it, so he went out to  
17 see Jim Garrison about it. Jim  
18 Garrison called Sciambra in. Phelan  
19 says, "There is nothing in this  
20 memorandum about any conspiratorial  
21 meeting, nothing about Clay Shaw,  
22 nothing about Clem Bertrand."  
23 Sciambra said, "You don't know what  
24 you are talking about."

25 Gentlemen, Phelan did know what he was

1 talking about to the extent that  
2 he was willing to bet his job on  
3 it. He wasn't taken up on it.

4 Well, this was called to the attention  
5 of the State, and since then there  
6 have been quite a few controversies  
7 about the actual content of this  
8 Sciambra memorandum.

9 Now, after this confrontation there in  
10 Mr. Garrison's home after reading  
11 the memorandum, Jim Phelan attended  
12 the preliminary hearing in this  
13 case. He saw Perry Russo take the  
14 witness stand and was completely  
15 shocked at Russo's testimony, so  
16 he arranged to go up to Baton Rouge  
17 and talk to Russo about it. He  
18 goes and talks to Russo, and there  
19 are two completely different stories  
20 there, gentlemen. All that I can  
21 ask you to do in evaluating those  
22 is to decide who has more reason  
23 for lying, Russo trying to back  
24 his story up, or Jim Phelan, an  
25 independent journalist, free lance,

1 with no axe to grind.

2 Two key questions were asked at that  
3 time. Phelan asked Russo why he  
4 had gone to court in that prelimi-  
5 nary hearing and testified that he  
6 had seen Clay Shaw in David Ferrie's  
7 apartment, and then named two other  
8 times, one at the Nashville Avenue  
9 wharf and the other one at Ferrie's  
10 filling station, whereas in the  
11 memorandum Sciambra had reported  
12 his only having seen Clay Shaw  
13 twice. Russo meditated, and he  
14 said, "I said three times?" He  
15 said, "No, I guess I only say  
16 twice, but I should have said  
17 three times." Then Phelan asked  
18 him the real sixty-four-dollar  
19 question: When did you first  
20 mention anything about the con-  
21 spiracy? And Russo said, "Down  
22 in New Orleans," admitting it to  
23 Phelan.

24 Now, gentlemen, getting back to this  
25 two or three times that he claims

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1           that he saw Clay Shaw, if this  
2           Sciambra memorandum were to have  
3           just had in there that it was  
4           seeing him twice, that could  
5           easily be an error, but the  
6           Sciambra memorandum says that he  
7           saw him twice, the first time at  
8           the Nashville Avenue wharf and  
9           the second time up on the Veterans  
10          Highway at the filling station.  
11          The third time actually, gentlemen,  
12          would be tucked in between there  
13          and would certainly have been the  
14          one time that Russo would not have  
15          forgotten if he were relating a  
16          true story.

17               Once again, we are striking at the very  
18               heart of the State's case now,  
19               gentlemen, the absolute lack of  
20               credibility on the part of Perry  
21               Russo.

22               Well, gentlemen, after this, Jim Phelan  
23               had quite a number of conversations  
24               with Russo during which Russo made  
25               some admissions to him which

1 completely destroyed the State's  
2 case. Mr. Alcock has admitted  
3 that the case depends entirely  
4 upon Russo's testimony, so let's  
5 see what he admitted to Phelan.

6 First of all, he admits to Phelan that  
7 he does not know whether Shaw was  
8 at the party or not; he admits to  
9 Phelan that he does not know the  
10 difference between reality and  
11 fantasy; he affirmatively requests  
12 of Phelan that Phelan set up a  
13 meeting with Clay Shaw so that he,  
14 Russo, can decide whether Clay Shaw  
15 is the right man. Gentlemen, this  
16 is after he has already testified  
17 in court in the preliminary hearing  
18 that Clay Shaw was positively the  
19 right man.

20 And what else does he tell Mr. Phelan?

21 "If Garrison could hear what I told  
22 my priest up in Baton Rouge, he  
23 would go through the ceiling. I  
24 told that priest that I want to  
25 get in a room with Shaw and hear

1 him talk and breathe so I can  
2 decide whether he is the right  
3 man."

4 Again, gentlemen, I say that these  
5 statements just kick the very  
6 foundation out from under any  
7 case that the State might think  
8 that it has.

9 Now getting back to the meeting that  
10 Russo wanted arranged between him  
11 and Mr. Shaw, was there any hesi-  
12 tancy on the part of this Defen-  
13 dant in agreeing to that meeting,  
14 in making arrangements for it?  
15 None at all. Who pulls out on  
16 the meeting but Perry Raymond  
17 Russo! He tells Phelan that the  
18 reason he pulled out on the meet-  
19 ing is that he is afraid that news  
20 of it would leak back to Garrison.  
21 But later on he comes clean and  
22 tells Mr. Phelan, "I lied to you  
23 about that. The reason is that I  
24 know if I got in a room and talked  
25 to that man, I would find out that

1 he wasn't the man, and I could run  
2 to Mexico, I could run to Cali-  
3 fornia and become a beatnik, but  
4 I could not run away from myself."

5 Now, gentlemen, I can hear the State  
6 right now getting up here and  
7 screaming to you that Jim Phelan  
8 was an employee of the National  
9 Broadcasting Company, part of the  
10 Eastern Establishment, that horribly  
11 sinister outfit, just wanting to  
12 destroy his case, and that that is  
13 why Jim Phelan said that Russo  
14 said those things to him.

15 Well, let me tell you right now, I am  
16 the first to admit that when Mr.  
17 Phelan first came down here, he  
18 came down as a writer for the  
19 Saturday Evening Post. NBC hired  
20 him because they thought that  
21 Russo would talk to him, and they  
22 were investigating for a white  
23 paper program they were presenting.

24 Now, gentlemen, the State will try to  
25 destroy Mr. Phelan's testimony in



1 that way. Thank goodness we have  
2 it back-stopped. We have it back-  
3 stopped by someone whom they have  
4 no way of destroying, and that is  
5 one who, as I said before, is  
6 traditionally one of their own  
7 prosecution team, and that is  
8 Lieutenant Ed O'Donnell, the same  
9 Lieutenant Ed O'Donnell who testi-  
10 fied as a policeman for the State  
11 in innumerable cases, whom they  
12 put on the stand and asked juries  
13 to believe in those cases where  
14 they want the juries to believe  
15 them. What does Officer O'Donnell  
16 say? What does he do but come  
17 here as a witness and testify that  
18 these -- practically these same  
19 admissions except a little worse  
20 were made to him by Perry Raymond  
21 Russo. Perry Raymond Russo to  
22 Officer O'Donnell said, "Do you  
23 really want to know the truth?"  
24 O'Donnell said yes. Russo said, "I  
25 don't know whether Shaw was there

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1 or not." He said, "If I really  
2 had to give a yes or a no, I would  
3 have to say no."

4 Gentlemen, that is Perry Raymond Russo,  
5 that is the man who takes this  
6 witness stand and says one thing,  
7 goes elsewhere and says another  
8 thing, takes the witness stand in  
9 another courtroom and says some-  
10 thing else, a man whose veracity,  
11 whose credibility, has been  
12 shattered beyond repair, beyond  
13 question, and that is the man whom  
14 Mr. Alcock says is the backbone of  
15 the State's case, their case sinks  
16 or swims, stands or falls on the  
17 testimony of Perry Raymond Russo.  
18 Oh, there was another very interesting  
19 thing Russo admitted to Officer  
20 O'Donnell. He told Officer O'Donnell  
21 that when he first went into the  
22 preliminary hearing he was going  
23 to testify that he wasn't sure  
24 that Mr. Shaw was there at this  
25 meeting, "but Dymond turned on me,"

1 he said, "Dymond struck at the  
2 jugular vein when he asked me  
3 whether I believed in God."

4 Gentlemen, could I make any of you mad  
5 by asking you whether you believed  
6 in God? Would it make you mad  
7 enough to get up on the witness  
8 stand and lie under oath and try  
9 to send a man to the penitentiary?  
10 I don't think so. I don't think  
11 any normal individual would react  
12 in that way, and I submit to you  
13 that Perry Raymond Russo is not  
14 a normal individual.

15 Perry Raymond Russo came down here from  
16 Baton Rouge wanting a little publi-  
17 city. He gets down here and he is  
18 hypnotized three or four times,  
19 given Sodium Pentathol. Somehow  
20 or another they get a story out  
21 of him, and he has tried to stick  
22 to it and hasn't even done a good  
23 job at that.

24 Gentlemen, I hate to keep you here this  
25 long, but I feel it is necessary

1 to cover this material with you.

2 We have been here a long time  
3 already, and I just cannot see  
4 the advisability of halfway doing  
5 the case at this point.

6 Let's now find out just where the whole  
7 thing originated.

8 You learned from the witness stand the  
9 other day it all came from the mind  
10 of Dean Andrews.

11 Now, gentlemen, if you have ever heard  
12 any vitriolic screaming, any debase-  
13 ment of a witness, any criticism  
14 of an individual, you are going to  
15 hear it from the State when they  
16 get up here in rebuttal on Dean  
17 Andrews, but let me say this, this  
18 little man with the peculiar manner  
19 of talking got on that witness  
20 stand, a ruined lawyer, bared his  
21 chest, said, "Do to me what you  
22 may, I am going to tell the truth  
23 now," and I don't think there is  
24 a man on this Jury who does not  
25 think that he told the truth. This

man has lied before, there is no doubt about that, no question in the world, but, believe me, when he took that witness stand and did what he did, he rose, in spite of his faults, to heights that may not be attained by many people in this courtroom. He subjected himself to what he thinks is coming -- I hope it doesn't come -- I hope that there is some compassion in the hearts of people who could get revenge upon him for what he did. That man took the witness stand and shamelessly belittled himself. To me, gentlemen, it was pitiful. This man got up there and said, "I made a damned fool out of myself and I am stuck with it. I wanted to be famous for something other than being a perjurer, so I dreamed up this story about having been asked to represent Lee Harvey Oswald. This fellow Davis called me about something, a car title,

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1 and I just dreamed up the rest of  
2 it. When the FBI came and asked  
3 me about it, I found a cover-up  
4 name for him, Clay Bertrand."

5 There you are, gentlemen. This man had  
6 never seen Clay Shaw before in his  
7 life. Gentlemen, from then the  
8 ball started rolling. After Dean  
9 Andrews came out with the Clay  
10 Bertrand story, we had the Warren  
11 Commission Report. Along with the  
12 Warren Commission Report came the  
13 scavengers, came those who would  
14 like to make a living off of it,  
15 came those who would like to pick  
16 it to pieces, even though at the  
17 cost of undermining the confidence  
18 of the American people in their  
19 very Government. And that, gentle-  
20 men, is when the fur began to fly.  
21 Andrews had started it. Russo  
22 wanted to get into the news with  
23 the aid of a little hypnosis, a  
24 little Sodium Pentathol, and what  
25 other prompting we don't know. He

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1           came forth with the story that you  
2           heard here in the courtroom.

3           Gentlemen, when this accusation was made,  
4           when Perry Russo's story was finally  
5           made up from the whole cloth, the  
6           news reached to the four corners of  
7           the earth. It was shocking news.  
8           Mr. Garrison announced he had solved  
9           the assassination of President  
10          Kennedy.     ...

11       MR. ALCOCK:

12           Your Honor, again this is outside the  
13           record of this case.

14       THE COURT:

15           I think you are right about that.

16       MR. DYMOND:

17           The newspaper reporters gathered from  
18           every corner of the globe. I dare  
19           say it has been one of the most  
20           highly publicized cases in Louisiana  
21           legal annals, or possibly in the  
22           annals of any state. And, gentle-  
23           men, I tell you now that the entire  
24           world is waiting to find out whether  
25           you twelve men can convict a man

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1 on this Alice-in-Wonderland  
2 situation, on a group of facts  
3 that were scrambled together.

4 If you check back and just remember  
5 when each one of these witnesses  
6 showed up at the DA's office, you  
7 have to wonder just what did they  
8 have when they arrested Clay Shaw.  
9 Practically nothing, nothing except  
10 Russo.

11 They are waiting, gentlemen, to see  
12 whether a man can be convicted in  
13 a situation such as this, in a  
14 production such as this where a  
15 patsy was picked in order to pro-  
16 vide a forum for an attack on the  
17 Warren Commission and the Warren  
18 Report. You have seen the extent  
19 to which the State has gone in  
20 attacking the Warren Report here.

21 Gentlemen, for a while Clay Shaw had  
22 become the forgotten man in this  
23 case. I mean you actually had to  
24 stop and remember who was on trial  
25 for days here, and I just hope that



you will not permit the issue to be confused by this big production that has been put on. "RUSH TO JUDGMENT" would have been a lot easier and a lot cheaper, but don't let it confuse you, gentlemen. Just remember what this man is charged with. Remember that the State by its own admission says that its case has to fall or stand on the testimony of this liar, Perry Raymond Russo, a man who is an admitted liar from the witness stand. Separate these two issues, and there is no way that you can go wrong, gentlemen.

If our law permitted it, I think in doing that you wouldn't have to leave this box to return a verdict of not guilty.

The State is going to come back before you and wave the Dallas flag again, gentlemen. They are going to talk about the Zapruder film. That is a horrifying film. That is the

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1 reason I squawked about your see-  
2 ing it ten times. I had never seen  
3 it before, and I was shocked and  
4 horrified by it. But don't let  
5 that prejudice you, gentlemen,  
6 don't let it cause you to lose  
7 sight of the basic issues in this  
8 case.

9 You have taken an oath, gentlemen, that  
10 you will try this case according  
11 to the law and within the bounds  
12 of the evidence that has been here  
13 in court. If you do that, we have  
14 no worries at all, because there  
15 is no way that Clay Shaw can be  
16 convicted under these circumstances.

17 As I say, they are going to come back  
18 with Dallas, they are going to  
19 talk about Lee Harvey Oswald get-  
20 ting the job in the Depository.  
21 In that connection, I might call  
22 your attention to the fact that by  
23 Ruth Paine's testimony, she got the  
24 job for him. By the testimony of  
25 a State witness, he could have been

1 assigned either to that Depository  
2 building or one that wasn't on  
3 Elm Street. So, gentlemen, don't  
4 let the horror of this awful deed  
5 that was committed in Dallas cause  
6 you to convict an innocent man just  
7 to try to balance the scales. Just  
8 remember that it would not be at  
9 all beyond the realm of possibility  
10 for you or me to be sitting right  
11 in that chair called upon to prove  
12 where you were in 1963, called upon  
13 to prove that you didn't know some-  
14 body. That is not easy, gentlemen,  
15 not when you have liars like Perry  
16 Raymond Russo testifying, not when  
17 a dope fiend gets up there, a  
18 person that everybody knows is  
19 always trying to curry favor with  
20 law enforcement agencies in case  
21 he happens to get caught. He is  
22 willing to get up there and testify  
23 against you to help himself.

24 Gentlemen, just remember -- I won't

25 keep you much longer -- that the

Indictment in this case charges Clay Shaw with having agreed up there on Louisiana Avenue to kill President Kennedy; that the only testimony on that is Perry Raymond Russo's, a liar; that the State has alleged its overt acts, many of them taking place at that meeting, which depends on Perry Raymond Russo, one of them being Mr. Shaw's trip to the West Coast, going to the West Coast to get an alibi for something that happened in Texas, the other one being David Ferrie's trip to Houston the day after the assassination, which wouldn't have done him any good anyway. And I submit to you, gentlemen, that the State's case is a total flop.

Now, gentlemen, I will say in closing that the duty of every jury is an immense duty. I mean when you are called upon to pass judgment on another human being, called upon to decide whether or not that man

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1 remains a free independent man or  
2 whether he becomes a convict, you  
3 are almost asked to be God, but I  
4 will say that in this case your  
5 duty is even graver, more so, more  
6 serious: the twelve men who pass  
7 on this case are actually going to  
8 create history in our country.

9 Gentlemen, I implore you not to make a  
10 mistake. This man is as innocent  
11 as any one of you fourteen men sit-  
12 ting here on this Jury. To find  
13 him guilty you have got to believe  
14 an admitted liar, and I don't think  
15 you can do that. I am confident  
16 you can't.

17 I ask you to vote your conscience, follow  
18 the law, and don't make a mistake.

19 Thank you.

20 THE COURT:

21 I am going to take a five-minute recess.

22 Take the Jury upstairs for coffee.

23 (Whereupon, a brief recess was taken.)

24 AFTER THE RECESS:

25 THE COURT:

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1 I wish to make one announcement before we  
2 bring the Jury down.

3 What is going to happen now I understand  
4 is that Mr. Oser, Mr. Alcock, and  
5 Mr. Garrison are going to close  
6 the rebuttal closing argument for  
7 the State, and after they are fin-  
8 ished I intend to take a five-  
9 minute recess. I am going to  
10 charge the Jury, and I have some  
11 extra copies that I wish to re-  
12 check just one more time for any  
13 spelling errors, subject matter  
14 errors, and what I propose to do,  
15 after the Jury gets the case for  
16 their decision, if they do bring  
17 a verdict of guilty in the fore-  
18 seeable future, we are going to  
19 lock the outside door so that  
20 nobody can get out, because I  
21 know whatever the verdict may be  
22 there is a strong probability that  
23 either the State or the Defense  
24 will ask that the Jury be polled.  
25 Although a verdict, whatever it

may be, be read, that does not  
wind up the case. The Jury in all  
probability will be polled, that  
is, each one will be asked is this  
your verdict, and after we have a  
legal verdict and it is recorded,  
I am going to ask everybody to  
remain in court until the jurors  
leave out safely, and the doors  
will be locked outside where the  
Sheriff has deputies to enforce  
this, and after the Jury leaves,  
then the Press may leave and do  
whatever they are supposed to do.

I just want to make this announcement  
so you will understand, so you will  
have an idea of what is going to  
happen.

All right. Bring the Jury in.

(Whereupon, the Jury returned to  
the box.)

THE COURT:

All right, gentlemen. Let's keep a  
little order, because it is very  
distracting to the jurors that

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1 are trying to pay attention. When  
2 someone is speaking or someone else  
3 misbehaving in the audience, it  
4 distracts the attention of the  
5 Jury. That is what we are trying  
6 to defend.

7 Are the State and the Defense ready to  
8 proceed?

9 MR. ALCOCK:

10 The State is ready.

11 MR. DYMOND:

12 We are ready, Your Honor.

13 THE COURT:

14 All right. We will now hear the closing  
15 arguments by the State.

16 MR. OSER:

17 Gentlemen, I am only going to have a  
18 few remarks to you in the area of  
19 what happened in Dealey Plaza, and  
20 possibly a few remarks about Mr.  
21 Dymond's remarks.

22 You know, gentlemen, there are several  
23 ways for a defense attorney to  
24 defend a case, and one of the  
25 classic ways is that of setting



1 up a smokescreen, talking about  
2 everything else except what the  
3 evidence was from the witness stand,  
4 talking about how I am un-American,  
5 how my fellow lawyers sitting at  
6 the table are un-American, but not  
7 one word did Mr. Dymond say about  
8 what the evidence was that came  
9 from that witness stand involving  
10 Dealey Plaza.

11 Oh, he talked about Dr. Nichols' copy-  
12 right, but not one word did he talk  
13 about the 28-degree angle that Dr.  
14 Nichols testified about. He talked  
15 about Dr. Nichols' copyright, which  
16 is a privilege you and I and every-  
17 body has to protect their rights.  
18 Did he say that Dr. Nichols lied  
19 to you? Did he say that one wit-  
20 ness involved in what happened  
21 November 22, 1963 in Dealey Plaza  
22 lied to you? No. He says that we  
23 presented to you a figment, or a  
24 copy rather, of RUSH TO JUDGMENT.

25 Mr. Robert West wasn't in RUSH TO JUDGMENT;

1 Mr. Phil Willis wasn't in RUSH TO  
2 JUDGMENT; Abraham Zapruder wasn't  
3 in RUSH TO JUDGMENT; Roger Craig  
4 wasn't in RUSH TO JUDGMENT; Mrs.  
5 Carolyn Walther wasn't in RUSH TO  
6 JUDGMENT; Officer Billy Joe Martin  
7 wasn't in RUSH TO JUDGMENT; Mrs.  
8 Mary Moorman wasn't either, nor  
9 was Mrs. Wilma Bond.

10 Listening to Mr. Dymond on our presen-  
11 tation of what happened in Dealey  
12 Plaza when the President of the  
13 United States was killed, it was  
14 that we picked a handful of mer-  
15 cenaries, some of them wanting to  
16 get their names in the paper. Do  
17 you really believe that Mr. and  
18 Mrs. Newman are this type, or are  
19 Mr. and Mrs. Newman more like you  
20 and I? Are they mercenaries?

21 He talks about the State subpoenaing  
22 Robert Frazier and not putting him  
23 on the stand. That's right, gentle-  
24 men. We subpoenaed him. We had to  
25 file a subpoena where he is from --

1 Virginia, I believe -- to get him  
2 down here, and when he came down  
3 here Mr. Alford and I couldn't  
4 talk to him unless two United  
5 States attorneys were sitting  
6 there. We didn't even know where  
7 he was staying.

8 MR. DYMOND:

9 If the Court please, we object. Counsel  
10 himself is now getting out of the  
11 record.

12 THE COURT:

13 I didn't hear the statement. What was  
14 the statement, Mr. Dymond? Maybe  
15 I will have Mrs. Dietrich read it  
16 back.

17 MR. DYMOND:

18 If the Court please, we may as well have  
19 him argue it to the Jury as do that.  
20 I think Mr. Oser knows he is out  
21 of the record.

22 THE COURT:

23 I didn't hear it. What was it?

24 MR. OSER:

25 Mr. Dymond opened the door in arguing --

1 THE COURT:

102

2 No such thing. In argument you must  
3 stay within the record. You don't  
4 open the door in argument, you must  
5 stay in the record in addressing  
6 the Jury, although you are given  
7 quite a bit of latitude in forming  
8 your deductions, what you think you  
9 can deduce from the record, but  
10 neither side can go out of the  
11 record. That is my ruling.

12 MR. OSER:

13 Let me read to you, gentlemen, what Mr.  
14 Dymond has done. Mr. Dymond talked  
15 about Robert Frazier, saying the  
16 possibility that one bullet could  
17 have entered President Kennedy and  
18 Governor Connally, and I cite to  
19 you on page 185 of Mr. Frazier's  
20 testimony an answer to a question  
21 exactly on that point. Mr. Frazier  
22 said -- and he said it in front of  
23 the Warren Commission, "I myself  
24 don't have any technical evidence  
25 which would permit me to say one

1 way or the other."

2 I wonder if Mr. Dymond, if some unfor-  
3 tunate thing happened either to he  
4 or a member of his family, would  
5 want his case investigated the way  
6 the President's case was investi-  
7 gated in Dealey Plaza. He would  
8 be knocking our doors down wanting  
9 something done about it. That is  
10 what would happen, and yet he has  
11 the gall to stand up here in front  
12 of you gentlemen and state that I  
13 and my fellow lawyers, counselors,  
14 are un-American.

15 And how we treated poor Dr. Finck on the  
16 stand.

17 You know, gentlemen, this is what I am  
18 talking about in reference to a  
19 smokescreen. He talked about every-  
20 thing but what came from this wit-  
21 ness stand. Mr. Dymond didn't make  
22 reference to one witness, about his  
23 testimony or their testimony in  
24 regard to the 28-degree angulation.  
25 Second, that it was mathematically

1 impossible for the gun to have  
2 shot that fast, using the Zapruder  
3 film. Number three, that the  
4 bullets or one bullet --

5 MR. DYMOND:

6 If the Court please, I object to this.

7 The purpose of rebuttal is to  
8 answer what I did say. Here  
9 Counsel is getting up and arguing  
10 about what I didn't say.

11 THE COURT:

12 The position is well taken. You can  
13 rebut argument of Counsel. You are  
14 restricted in that to rebutting his  
15 argument.

16 MR. OSER:

17 Gentlemen, the State has presented to  
18 you from this witness stand that  
19 what happened in Dealey Plaza on  
20 November 22, 1963, was that there  
21 was a triangulation of fire, and  
22 because we present our case, which  
23 we are sworn to do by the oath that  
24 I take as an Officer of the Court  
25 and as a lawyer to present the evi-

1                    dence, and because we do, he says  
2                    we are un-American, because we show  
3                    you from the witness stand what the  
4                    facts were and what happened result-  
5                    ing in this triangulation of fire.

6                    We are un-American.

7                    You know what he said, I guess insinuat-  
8                    ing about whether or not -- if you  
9                    don't like the country, you can  
10                    leave it.

11                   Well, in answer to that statement,  
12                   gentlemen, let me tell you what  
13                   came from this witness stand about  
14                   triangulation of fire, and if Mr.  
15                   Dymond doesn't like it, then he  
16                   can lump it, because what came from  
17                   that witness stand is proof beyond  
18                   a reasonable doubt that there was  
19                   a triangulation of fire in Dealey  
20                   Plaza on November 22, 1963. We  
21                   showed it to you on the blackboard  
22                   with the 28-degree angulation. I  
23                   showed you on the blackboard that  
24                   it was impossible for that gun to  
25                   fire that fast and get off two

1 shots, using the Zapruder film.

2 I showed you on the blackboard that  
3 the Governor and the President could  
4 not have been hit by the same shot,  
5 and you saw this Zapruder film and  
6 you saw the reaction of the Presi-  
7 dent when he was hit by a frontal  
8 shot in the head, and that was that.

9 So, as I said before, gentlemen, a lot  
10 of defense lawyers put this smoke-  
11 screen up about whether or not the  
12 State presented all its cases,  
13 whether or not the witnesses lied,  
14 and in this particular case he  
15 wants you to forget all about  
16 Dealey Plaza. That has no part  
17 in this case whatsoever.

18 Well, it does. The State does have a  
19 right to show what the culmination  
20 or the end results were of a con-  
21 spiracy that was hatched in New  
22 Orleans, and you know what that  
23 culmination was -- (demonstrating)  
24 the triangulation of fire.

25 And who said it better, what happened



1 November 22, 1963, than Mrs. Gail  
2 Newman? And she stated that they  
3 were caught in a cross-fire.

4 THE COURT:

5 Mr. Alcock.

6 MR. ALCOCK:

7 May it please the Court:

8 Gentlemen of the Jury, it is now my  
9 function to rebut the arguments  
10 of Mr. Dymond, Defense Counsel in  
11 this case.

12 I took down many notes during the course  
13 of his argument, and I intend to  
14 cover these matters just as quickly  
15 as I can and still cover them  
16 thoroughly enough to familiarize  
17 you with the particular elements  
18 involved.

19 We heard an awful lot of the unbeliev-  
20 ability of the State's witnesses.  
21 We heard an awful lot about the  
22 State's witnesses coming forward  
23 at the last minute.

24 Did Defense Counsel explain to you in  
25 his argument how Perry Raymond

1 Russo could have known that the  
2 Defendant was on the Nashville  
3 Street wharf when the President  
4 of the United States spoke there  
5 in 1963 unless he had in fact seen  
6 the Defendant on the wharf that  
7 day? He didn't mention that one  
8 time in his argument, and I don't  
9 blame him, because there is no way  
10 he could explain it other than the  
11 fact that Perry Raymond Russo did  
12 see the Defendant on the Nashville  
13 Street wharf.

14 Is that corroboration of Perry Russo?  
15 Certainly it is.

16 Did he mention the probability that  
17 that mailman, this "old mailman"  
18 as he termed it, would have de-  
19 livered the letters to Clem  
20 Bertrand -- another coincidence,  
21 gentlemen -- the same name that  
22 this man used during the conspir-  
23 atorial meeting -- to a long-time  
24 friend of the Defendant before the  
25 Bar?

1           What are the probabilities of this man  
2           delivering such letters to such a  
3           man? Did he answer that for you?  
4           He did not. Is this just another  
5           coincidence, a long-time friend of  
6           the Defendant, the Defendant's mail  
7           going to that house? Did he cover  
8           for you the implausible explanation  
9           given by the Defendant that he  
10          filed a cancellation of change of  
11          address but did not file any orig-  
12          inal change of address? He did  
13          not. And again I don't blame him,  
14          because he could not explain it to  
15          you.

16          Did he say anything about Charles Spiesel  
17          mentioning the fact that the couple  
18          that owned the apartment were from  
19          North Carolina, and that his Defen-  
20          dant admitted knowing many people  
21          in North Carolina? Is this just  
22          another coincidence?

23          Did he explain to you how Perry Raymond  
24          Russo on the last time he saw Lee  
25          Harvey Oswald in the city of New

1                   Orleans mentioned that Lee Harvey  
2                   Oswald said that he was going to  
3                   Houston, Texas, and his own wit-  
4                   ness, Ruth Paine, corroborated  
5                   Perry Raymond Russo when she said  
6                   the last thing Lee told her when  
7                   she left the city was that he was  
8                   going to either Philadelphia or  
9                   Houston, Texas? Was that explained  
10                  to you at all in Defense Counsel's  
11                  argument? I submit it was not.

12                As far as the Defendant's trip to the  
13                West Coast, the fact that he knew  
14                it before mid-September and cer-  
15                tainly could have said it in this  
16                meeting in mid-September, that he  
17                was going to the West Coast -- is  
18                this just another coincidence,  
19                that Perry Raymond Russo would  
20                know that the Defendant was going  
21                to the West Coast of the United  
22                States?

23                Gentlemen, we can only accept these  
24                things as coincidences so long,  
25                and then they become hard fact and

1                   they give us a pattern.

2                   And David Ferrie was in the public eye  
3                   in Houston, Texas. Did he mention  
4                   the fact that David Ferrie went to  
5                   the home of Lee Harvey Oswald on  
6                   Magazine Street in his argument?

7                   No.

8                   Did he mention the fact that Mrs. Jessie  
9                   Parker took a lie detector test on  
10                  whether or not she had --

11                 MR. DYMOND:

12                  Your Honor, I object to that. Counsel  
13                  well knows that that is not argu-  
14                  able evidence.

15                 MR. ALCOCK:

16                  That was in the record, Your Honor.

17                 THE COURT:

18                  What was the statement made?

19                 MR. DYMOND:

20                  About a woman taking a lie detector  
21                  test.

22                 MR. ALCOCK:

23                  That is in the record, Your Honor.

24                  The results may not be, but it is  
25                  in the record.

1 THE COURT:

2 The Law Review article, the American Law  
3 Review article states that it can-  
4 not be made part of the record if  
5 it got into the record -- if it  
6 didn't get in by testimony, got in  
7 by a statement of Counsel.

8 MR. ALCOCK.

9 Your Honor, I submit to the Court that  
10 you allowed me to call Mr. Krubbe,  
11 Captain Krubbe, who administered  
12 the test.

13 THE COURT:

14 You didn't use the word "testimony,"  
15 you used the word "interview." I  
16 purposely told them not to use  
17 the word "testimony."

18 MR. ALCOCK:

19 Well, gentlemen, I will leave it to  
20 your memory and to your recollec-  
21 tion of the testimony.

22 Did Counsel mention the fact that though  
23 the trip to Oregon may have been  
24 prearranged, there may have been  
25 solicitation by the people in

Oregon to have the Defendant speak before them? Did he mention the fact that in the letter of Mario Bermudez, that a friend of the Defendant on behalf of the Defendant was soliciting a speaking engagement between the 21st of November, 1963, and the 23rd of November, 1963, and that date just happened to be November 22, 1963, the date on which the President, or the former President, of the United States, was shot down in the streets of Dallas? Answer. He mentioned to you, in passing, the testimony of Clinton, Louisiana, the eye-witness testimony in Clinton, Louisiana, and read a passage from a decision of the United States Supreme Court. I submit that if we had come before this Jury with a wholly circumstantial case, with no eye-witness identification, he would have been up here screaming, where are your witnesses, where

1 are the people who actually saw  
2 the Defendant in person in the  
3 presence of Lee Harvey Oswald and  
4 David Ferrie? This is direct evi-  
5 dence as opposed to circumstantial  
6 evidence, and it is stronger evi-  
7 dence, and Counsel knows it is  
8 stronger evidence.

9 What is his answer to the identification  
10 under oath of John Manchester? It  
11 is 76 and cloudy in Clinton,  
12 Louisiana.

13 What is his answer to the identification,  
14 positive identification, of Corrie  
15 Collins? It is 72 and raining in  
16 Clinton, Louisiana.

17 There were two gentlemen that recalled  
18 this incident because of the cool-  
19 ness of the weather, and that was  
20 the barber who left his door open  
21 because it was unseasonably cool,  
22 and Reeves Morgan, who was burning  
23 some things in his fireplace be-  
24 cause it was cool. And you heard  
25 their witness testify that the



1 temperature went all the way down  
2 to 60 degrees on some occasions.  
3 So their answer to you is to dis-  
4 regard this eye-witness testimony  
5 because they brought this man in  
6 with a temperature chart.

7 And, gentlemen, there was something  
8 that struck me, as Mr. Dymond would  
9 say, right between the eyes. He  
10 got up and said it was an insult  
11 to him personally as an Officer  
12 of the Court because the State put  
13 Charles Spiesel on the stand, and  
14 I explained to you gentlemen that  
15 you are entitled to all of the evi-  
16 dence in this case, and the State  
17 finds its witnesses where it can.

18 Has Charles Spiesel been convicted of  
19 perjury? Has Charles Spiesel been  
20 convicted of getting on a witness  
21 stand and lying? He has not.

22 Has their witness, Dean Andrews, been  
23 convicted of perjury? Not about  
24 any subject but about the subject  
25 of Clay Bertrand. And they have

1 the gall to infer that we abused  
2 you by bringing Charles Spiesel  
3 before you, and they put Dean  
4 Andrews on the witness stand.

5 And then, gentlemen, I could not be-

6 lieve my ears -- and from the  
7 murmur in the courtroom I think  
8 there were many, many others, who  
9 believed as I believed -- Mr.

10 Dymond would have you believe

11 that Dean Andrews rose from the  
12 muck and mire of lies that he has  
13 spun since 1963, and laid bare  
14 his soul to this Jury and finally  
15 told the truth, and I wrote some-  
16 thing down at this time. Mr.

17 Dymond wants you to believe that

18 now he was telling the truth, and

19 I wrote down, "Now telling the

20 truth." Why? This man who admitted

21 he lied before the Warren Commission

22 under oath, "shot the bull" as he

23 put it, but lying nevertheless;

24 admitted he lied twice before the

25 Orleans Parish Grand Jury; and

1                   this, gentlemen, is their witness,  
2                   and when they put a witness on this  
3                   stand, they vouch for his credi-  
4                   bility, his believability and his  
5                   truthfulness, and they have the gall  
6                   to assault the State and impugn the  
7                   State for putting Spiesel on the  
8                   stand. Was he convicted of perjury?  
9                   No. Was their witness convicted  
10                  of perjury? Yes.

11               MR. DYMOND:

12               Your Honor, we are going to object at  
13               this point. Counsel knows very  
14               well that the conviction about  
15               which he talks is presently on  
16               appeal and is not technically a  
17               legal conviction until it is  
18               final, and I think it is mislead-  
19               ing the Jury.

20               THE COURT:

21               That is correct. It is on appeal as I  
22               understand it.

23               MR. ALCOCK:

24               Well, that is correct, Your Honor, but  
25               again, gentlemen, I will leave it

1 to you. A jury composed of men  
2 such as yourselves found him guilty  
3 of perjury.

4 But I could not believe that Mr. Dymond  
5 would think that this man cleansed  
6 his soul before this Jury, and now,  
7 gentlemen, some five years later  
8 has finally decided to tell the  
9 truth, this man who is a habitual  
10 liar, their witness.

11 I told you in my opening argument,  
12 gentlemen, that Perry Raymond  
13 Russo's appreciation of the con-  
14 versation was not important. It  
15 is your appreciation of the con-  
16 versation that took place in the  
17 presence of Lee Harvey Oswald,  
18 participated in by Lee Harvey  
19 Oswald, the Defendant, and David  
20 Ferrie. He called it a "bull  
21 session." How many "bull sessions"  
22 did Lee Harvey Oswald participate  
23 in here in the city of New Orleans  
24 concerning the killing of the  
25 President of the United States?

1 If nothing had ever happened as a  
2 result of this conversation, if  
3 none of the items brought up had  
4 ever reached completion, there may  
5 be an arguable point, but when the  
6 Defendant ends up on the West Coast,  
7 Ferrie ends up where he ended up,  
8 Lee Oswald ends up in the Texas  
9 School Book Depository and the  
10 President of the United States is  
11 killed by a triangulation of fire,  
12 gentlemen, I submit that was a  
13 conspiratorial meeting and he was  
14 a conspirator to kill the President  
15 of the United States.

16 And again when Russo saw Oswald for the  
17 last time, he was going to Houston,  
18 and their own witness confirmed  
19 that.

20 And it is another interesting and curious  
21 thing, gentlemen, it is like a two-  
22 edged sword, it is like picking and  
23 choosing. They want you to accept  
24 Perry Russo's characterization of  
25 this meeting as a "bull session,"

1 because he has got a college degree  
2 in some law school, and yet they  
3 want you to believe he is a com-  
4 plete liar as far as the Defendant  
5 being at that meeting.

6 You can't have it both ways. You can't  
7 say, accept this man for this be-  
8 cause it helps my case, but don't  
9 accept him for this proposition  
10 because it hurts my case.

11 Gentlemen, I certainly would not come  
12 before this Jury and state un-  
13 equivocally that Mr. Cobb was  
14 lying to you, or even Miss Moore,  
15 but I submit to you, gentlemen,  
16 that to go back that far and to  
17 recall three months and to be able  
18 to come before a jury such as your-  
19 selves and positively state that  
20 this man was never away from work  
21 is humanly impossible.

22 But there are some very curious things  
23 about the testimony of both Miss  
24 Moore and Mr. Cobb. Both of these  
25 witnesses couldn't wait to inform

121

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA  
200 2nd ST. N.W. WASHINGTON, D.C. 20001  
202-544-2000  
FAX 202-544-2000  
WWW.USDCDC.GOV

1 wants it to sound, because if I  
2 am shooting narcotics and position-  
3 ing myself on the seawall without  
4 obstructions too close by, isn't  
5 it obvious that I can see the  
6 approach of any possible police  
7 officer or any possible person who  
8 would disturb me and deprive me of  
9 my narcotics before I could throw  
10 them into the water? I don't think  
11 that was implausible at all.

12 Do you want to know what the other side  
13 of the coin is? He is going to  
14 shoot narcotics at home, risk the  
15 fact that the police might arrive,  
16 confiscate the narcotics and charge  
17 everyone in the household with  
18 possession of narcotics, including  
19 his mother. Because there is con-  
20 structive possession of narcotics  
21 as well as direct possession of  
22 narcotics, and his mother or who-  
23 ever else was in the household,  
24 including his brother, could just  
25 as well have been charged with



possessing narcotics.

Mr. Dymond seemed to find not too much fault with the testimony of Mr. Hardiman other than the fact that he said he must have been completely mistaken because he fell for an old defense trick. The name "Clem Bertrand" came to him, because shortly after -- this is no long period of time -- recall this, gentlemen, that these letters to Clem Bertrand were delivered in the fall, the early fall of '66, and the Defendant was arrested in March, or March 1 in 1967, and the name "Clem Bertrand" was flashed locally and nationally, and this is why he recalled it.

And again, gentlemen, what are the probabilities of this man picking out a house, not knowing that Jeff Biddison was a close friend of the Defendant's? Does this corroborate again Perry Raymond Russo when the name "Clem Bertrand" was

1                   used? Mr. Dymond wants you to  
2                   believe that because the name was  
3                   used once in this conspiratorial  
4                   meeting, the Defendant would for-  
5                   ever forget this name and never  
6                   utter it in public again.

7                   Well, I assume the Defendant didn't  
8                   write the letters to himself,  
9                   someone else was writing to him,  
10                  and we must remember that the  
11                  Warren Commission had reported --  
12                  we must remember that it was the  
13                  feeling that there was a lone  
14                  assassin and no one else was  
15                  involved. So the risk, gentlemen,  
16                  wasn't as great as Mr. Dymond wants  
17                  you to believe it was.

18                 And again at this time, and in conjunc-  
19                 tion with the testimony of Mr.  
20                 Hardiman, the Defendant took the  
21                 stand and said he executed the  
22                 cancellation of the change of  
23                 address. And yet what was he  
24                 cancelling? Thin air, because he  
25                 said he never issued the original

1 change of address. And we know why  
2 he cancelled that, we know why he  
3 admitted to cancelling that, be-  
4 cause it was right in this record  
5 in print in black and white and he  
6 couldn't get around it.

7 Mrs. Parker testified that she saw the  
8 Defendant sign that book. She took  
9 an oath and took the witness stand  
10 and said she saw him sign the book.  
11 Now, you have heard from two handwriting  
12 experts. And I don't criticize  
13 their expert for being from Washing-  
14 ton, D.C., I don't criticize their  
15 expert for having worked with the  
16 Federal Government -- my father did  
17 for a long time -- but I submit  
18 that his testimony proved that he  
19 had a fixed opinion before he even  
20 examined it.

21 And here is another thing, and I elicited  
22 this from him during cross-examina-  
23 tion. Mr. Dymond wants you to  
24 believe that the State's expert  
25 did a hurry-hurry, rush-rush job,

1 but I specifically recall Mr. Appel  
2 testifying that he made his judg-  
3 ment after but two hours of analyza-  
4 tion of the handwriting specimens,  
5 and the State's witness testified  
6 that it took her four hours to make  
7 the analyzation, so I fail to see  
8 here where the State's expert did  
9 not perform an adequate analyzation  
10 of that handwriting sample.

11 And there was another thing -- and I  
12 certainly do not fault Mr. Cobb,  
13 but we must remember that Mr. Cobb  
14 was a witness in this case for the  
15 Defense, and Mr. Cobb is the one  
16 that contacted the handwriting  
17 expert whom they placed on the  
18 witness stand, and the mere fact  
19 that this witness does not want  
20 compensation does not in any way  
21 make his opinion more weighty than  
22 the opinion of one who is expecting  
23 a fee in this case. If anything,  
24 it should prove to you, gentlemen,  
25 beyond any doubt that he had a

1 fixed opinion before he even

2 attempted to analyze that hand-

3 writing.

4 Mr. and Mrs. Tadin took the stand, and

5 Defense Counsel wants you to be-

6 lieve that Mrs. Tadin took the

7 stand solely and only because her

8 husband insisted she take the wit-

9 ness stand. She said that she

10 wasn't looking forward to coming

11 here, she didn't want to get in-

12 volved. And, unfortunately, gentle-

13 men, this is a malaise or sickness

14 that besets our society today. I

15 know that you are familiar with

16 examples of people not wanting to

17 get involved. But did she ever

18 testify from that witness stand

19 that she was not telling the truth,

20 that all she was doing was parroting

21 the words of her husband, that she

22 was forced to come up here and

23 testify? She testified -- in fact,

24 I asked her at the end of the testi-

25 mony whether she was telling the

1 truth, and, frankly, she was some-  
2 what indignant at my question and  
3 said, "Of course I am telling the  
4 truth." She would not have taken  
5 an oath and taken that witness  
6 stand unless she was telling the  
7 truth.

8 And here is something else you must  
9 remember. Her husband knew the  
10 Defendant before the Bar and  
11 recognized him in the presence of  
12 David Ferrie, and this is something  
13 Mr. Dymond said they were going to  
14 prove to you in the opening state-  
15 ment, that his client never laid  
16 eyes on either Lee Harvey Oswald  
17 or David Ferrie.

18 And now we come to Perry Raymond Russo  
19 and the much maligned Sciambra  
20 memo.

21 Andrew Sciambra, the Assistant District  
22 Attorney, went to Baton Rouge,  
23 Louisiana, and interviewed Perry  
24 Raymond Russo. During the course  
25 of the conversation, Perry Raymond

1 Russo related the events that  
2 transpired at 3330 Louisiana Avenue  
3 Parkway, the conspiratorial meet-  
4 ing. This was testified to by  
5 Andrew Sciambra and Perry Raymond  
6 Russo. This is not all in Mr.  
7 Sciambra's memo, but if you will  
8 recall his testimony, this was not  
9 his first memorandum on the subject  
10 but rather his second memorandum.  
11 The first memorandum or the second  
12 memorandum says something about the  
13 Defendant, Clay Shaw, being on the  
14 Nashville Street wharf in 1962, and  
15 then in 1964 the Defendant is with  
16 David Ferrie at David Ferrie's gas  
17 station.

18 Gentlemen, why on earth would the Dis-  
19 trict Attorney's Office for this  
20 parish bring Perry Raymond Russo  
21 down from Baton Rouge, Louisiana,  
22 to New Orleans, Louisiana, to talk  
23 to him if he had not related that  
24 in fact there was this conspira-  
25 torial meeting. What significance

1 would there have been by just the  
2 Nashville Street wharf thing --  
3 meeting -- or the Nashville Street  
4 wharf presence of the Defendant  
5 and the 1964 presence in a gas  
6 station? Why would we have called  
7 this man to our office had not in  
8 fact Andrew Sciambra returned from  
9 Baton Rouge and verbally conveyed  
10 to Jim Garrison about the events  
11 that transpired in that apartment  
12 on Louisiana Avenue Parkway?

13 Mr. Phelan read this memorandum and  
14 became upset over the absence of  
15 the conspiratorial meeting in the  
16 body of the memorandum, and I don't  
17 necessarily disagree with the fact  
18 that he became upset. At first  
19 blush it looks somewhat alarming.  
20 But who made the arrangements for  
21 Mr. Phelan to go to Baton Rouge  
22 and talk to Perry Raymond Russo?  
23 And this is after Mr. Phelan had  
24 expressed grave concern about this  
25 omission in this memorandum. Andrew



1 Sciambra arranged for that meeting.

2 Does it seem likely or plausible to  
3 you, gentlemen, that Andrew Sciambra  
4 and Mr. Garrison would send this  
5 man up there to confirm the fact  
6 that it wasn't said? The District  
7 Attorney's Office sent him up there  
8 because they knew that Perry Russo  
9 did say to Andrew Sciambra and did  
10 relate the events in that meeting.

11 Now here is the most curious thing in  
12 this case: They want you to be-  
13 lieve Jim Phelan as to whether or  
14 not Perry Russo said, "I did not  
15 mention the conspiratorial meeting  
16 until I got to New Orleans," and  
17 this is what is curious about it.  
18 You remember Mr. Phelan took the  
19 witness stand and said, "I took  
20 along Matt Herron, a photographer."

21 I asked Mr. Phelan, "Why did you take  
22 Mr. Matt Herron along with you?"

23 "I took him along as a witness, as a  
24 witness to what transpired."

25 Matt Herron was in there the entire time

1 according to the testimony of Mr.  
2 Phelan.

3 The Defense, gentlemen, subpoenaed Matt  
4 Herron (exhibiting document). This  
5 is the return on the subpoena, and  
6 on this side it reflects personal  
7 service, which means that this  
8 subpoena for this trial was physi-  
9 cally put in the hands of Matt  
10 Herron.

11 Now, why didn't the Defense call Matt  
12 Herron? Why didn't they call this  
13 man who was supposed to be Mr.  
14 Phelan's witness to what took  
15 place in Perry Russo's apartment?  
16 I submit they didn't call him be-  
17 cause he didn't corroborate Mr.  
18 Phelan.

19 And as far as the point about how much  
20 time it took Mr. Sciambra to com-  
21 pose this memorandum, he said  
22 approximately from seven to ten  
23 days. Counsel makes much of the  
24 fact that there were not that many  
25 days between the date the memorandum

1 is dated, the 27th, and the 5th of  
2 March or whenever it was that Jim  
3 Phelan saw Jim Garrison in Las  
4 Vegas.

5 And I remind you again this was not the  
6 first memorandum but the second  
7 memorandum.

8 And now, gentlemen, Jim Phelan came  
9 back on the scene of this case in  
10 the employ of NBC, the National  
11 Broadcasting Corporation, in May  
12 of 1967, or approximately that  
13 time, came to the city of New  
14 Orleans to compose this white  
15 paper, came to talk to a man who  
16 testified in the preliminary hear-  
17 ing, who had already given his  
18 testimony under oath and who was  
19 obviously a witness or to be a  
20 witness in this case, that you  
21 gentlemen have heard.

22 I want to ask you this one question:

23 Was Mr. Phelan a law enforcement  
24 officer? Was Mr. Phelan or NBC  
25 working for the Defense? They say

1 not. Mr. Dymond made much about  
2 the scavengers who wanted to make  
3 money on the death of our President.  
4 Well, what about NBC? What about  
5 those scavengers that came down  
6 here and attempted to suggest to  
7 a State witness that he was wrong?  
8 Not only did they attempt to  
9 suggest it but they suggested a  
10 possible name of another person  
11 that he might have misidentified  
12 the Defendant for.

13 Now what are they saying in effect,  
14 gentlemen? They are the Judge and  
15 Jury. NBC is going to decide  
16 whether this man is guilty or  
17 innocent, they are not going to  
18 leave it to a jury such as your-  
19 selves. They are going to make  
20 that decision, they are going to  
21 come down here and wreck the  
22 State's case because they believe --  
23 they believe -- they don't trust  
24 the Jury composed of a cross-section  
25 of citizens of this city. I say

1                   thank God that we have the jury  
2                   system and a jury such as your-  
3                   selves. I don't want NBC passing  
4                   upon my innocence or guilt at any  
5                   time, because they have got that  
6                   old dollar motive. They are  
7                   scavengers, and they tampered  
8                   with the State's case because they  
9                   didn't think you were proper or  
10                  worthy to pass upon the innocence  
11                  or guilt of this man.

12               Gentlemen, I feel that I have covered  
13               essentially most of the main  
14               points that Defense Counsel brought  
15               out in his argument, and I don't  
16               intend to keep you much longer. I  
17               just ask you to bear in mind what  
18               the State has proven in this case  
19               from that witness stand, how it  
20               has shown, gentlemen, that within  
21               four hours of this case the Defen-  
22               dant was proven a liar and unworthy  
23               of your belief; how it was shown  
24               that he conspired with David Ferrie  
25               and Lee Harvey Oswald to kill the

President of the United States.

And when I sit down, gentlemen, and when I stop talking -- and certainly my talking to you now is insignificant, because it is your voices that are the most important, and I do concur with Mr. Dymond, this is certainly an important case. Thank God it got to a jury such as yourselves despite the efforts of the Jim Phelans, the Walter Sheridans, and the Frieds of NBC, because this is where it belongs, and whatever your verdict is, you have got the right to make that verdict, a verdict which squares with your conscience, and I submit to you, gentlemen, when this case is considered in its entirety and you consider the coincidences, the many coincidences that keep cropping up in this case, the firm testimony under oath in this case, I feel sure, gentlemen, that when you deliberate and

1 consider this that you will return  
2 a just verdict, and that is what  
3 I am asking for. Whatever that  
4 verdict be, make it a just verdict,  
5 and I feel that that verdict should  
6 be "Guilty as charged."

7 Thank you.

8 THE COURT:

9 Do I understand, Mr. Garrison, that you  
10 wish to address the Jury?

11 MR. GARRISON:

12 Yes.

13 THE COURT:

14 You may proceed.

15 MR. GARRISON:

16 May it please the Court:

17 Gentlemen of the Jury, I am not going  
18 to dignify Mr. Dymond's personal  
19 inferences about my staff, because  
20 I think you have seen them for  
21 some days and I think you have  
22 seen me here, and I will leave it  
23 to your judgment whether or not  
24 we would take advantage of any  
25 human being in order to try and

1 get any gain of any sort; and I  
2 will address myself to the remain-  
3 ing issue of the case which have  
4 been posed by Mr. Dymond.

5 Now I know you are very tired and you  
6 have been very patient, and this  
7 final day has been a long day, so  
8 I will speak only a few minutes  
9 and I will probably make one of  
10 the shortest closing arguments that  
11 has been made in this court, because  
12 I think most of the issues are clear  
13 to you and I feel that you probably  
14 have an understanding of the case  
15 by now.

16 But Mr. Dymond has posed in his last  
17 argument one final issue which in  
18 a sense raises a question of what  
19 we do when the need for justice is  
20 confronted by power.

21 So let me talk to you about whether  
22 there is government fraud in this  
23 case. Now, a government is a great  
24 deal like a human being: It is not  
25 necessarily all good, and it is not

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1 necessarily all bad. We live in  
2 a good country, and I love it and  
3 you do, too, but we have neverthe-  
4 less a government which is not  
5 perfect, and there have been indi-  
6 cations since November 22 of 1963 --  
7 and that was not the last indication  
8 -- that there is excessive power in  
9 some areas of our government -- and  
10 that the people have not received  
11 all of the truth about some of the  
12 things that have happened, some of  
13 the assassinations that have  
14 occurred, and particularly with  
15 regard to the assassination of  
16 John Kennedy.

17 Going back to when we were children, I  
18 think most of us, probably all of  
19 us here in this courtroom, felt  
20 that justice came into being auto-  
21 matically, that virtue was its own  
22 reward and good would triumph over  
23 evil, that it occurred automatically.  
24 And later when we found that it  
25 wasn't quite so, most of us felt

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1 that, hopefully, that at least  
2 justice occurred frequently of its  
3 own accord, but now I think that  
4 almost all of us would have to  
5 agree that there is really no auto-  
6 matic machinery, not on this earth  
7 at least, which causes justice to  
8 happen automatically. Men have to  
9 make it occur, individual human  
10 beings have to make it occur, other-  
11 wise it doesn't come into existence,  
12 and this is not always easy. As a  
13 matter of fact, it is always hard,  
14 because justice presents a threat  
15 to power, and in order to make  
16 justice come into being you often  
17 have to fight power.

18 Mr. Dymond raised the question: Why  
19 don't we say it is a fraud and  
20 charge the Government with fraud,  
21 if this is the case?

22 Well, then let me be explicit and make  
23 myself very clear on this point.

24 The Government's handling of the investi-  
25 gation of John Kennedy's murder

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1 was a fraud, it was the greatest  
2 fraud in the history of our country,  
3 it was probably the greatest fraud  
4 ever perpetrated in the history of  
5 humankind.

6 So that is where I stand on that point.

7 But that doesn't mean that we have  
8 to accept the continued existence  
9 of the kind of government which  
10 allows this to happen. We can do  
11 something about it. We are not  
12 forced to either leave this  
13 country or accept the authoritarian-  
14 ism that is developed, which tells  
15 us that in the year 2039 we can  
16 see the evidence about what  
17 happened to John Kennedy.

18 The government does not consist only  
19 of secret police and domestic  
20 espionage operations and generals  
21 and admirals, the government con-  
22 sists of people. The government  
23 consists of people, and our Govern-  
24 ment consists of juries. And cases  
25 of murder, whether of the poorest

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1 individual or the most distinguished  
2 citizen in the land, should be  
3 looked at openly in a court of law  
4 where juries can pass on them, and  
5 not hidden, not buried like the  
6 body of the victim beneath concrete  
7 for 75 years.

8 Now, you men in recent weeks have heard  
9 witnesses that no one else in the  
10 world has heard, and you have seen  
11 the Zapruder film. You have seen  
12 what happened to your President,  
13 and I suggest to you that most of  
14 you know right now that in that  
15 area at least a fraud has been  
16 perpetrated.

17 That does not mean that our Government  
18 is entirely black, and I want to  
19 emphasize that. It doesn't mean  
20 that the President is bad, it  
21 doesn't mean that the Supreme Court  
22 is bad. It does mean that in recent  
23 years, through the development of  
24 excessive power, because of the  
25 cold war, forces have developed

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1 in our Government over which there  
2 is no control, and these forces  
3 have an authoritarian approach to  
4 justice, meaning they will let you  
5 know what justice is.

6 Well, my reply to them is, we already  
7 know what it is. It is the jury  
8 system. In the issue which is  
9 posed by the Government's conduct  
10 in concealing the evidence in this  
11 case, in the issue of humanity as  
12 posed to power, I have chosen  
13 humanity, and I will do it without  
14 any hesitation, and I hope every  
15 one of you will do the same, and I  
16 do that because I love my country  
17 and I want to communicate to the  
18 Government that we will not accept  
19 unexplained assassinations with  
20 the casual information that if we  
21 live 75 years longer we may be  
22 given more data.

23 In this particular case, our efforts to  
24 look into it -- and it was our duty  
25 when we found out that part of the

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1            assassination planning occurred in  
2            New Orleans -- massive power was  
3            brought to bear to prevent justice  
4            from ever coming into this court-  
5            room as it has. The power to make  
6            authoritative pronouncements, the  
7            power to manipulate the news media  
8            by the release of false information,  
9            the power to interfere with an  
10           honest inquiry, the power to pro-  
11           vide an endless variety of experts  
12           to testify in behalf of power, was  
13           demonstrated in this case. The  
14           American people have yet to see  
15           the Zapruder film. Why? The  
16           American people have yet to see  
17           and hear from witnesses about the  
18           assassination. Why?

19           Because today in our Government we have  
20           a problem area in which too much  
21           emphasis is given to secrecy with  
22           regard to the assassination of our  
23           President, and not enough emphasis  
24           has been given to the question of  
25           justice, to the question of humanity.

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1                   These dignified deceptions will not  
2                   suffice. We have had enough of  
3                   power without truth. We don't  
4                   have to accept power without  
5                   truth or leave the country. I  
6                   don't accept that alternative. I  
7                   don't intend to leave the country,  
8                   and I don't intend to accept power  
9                   without truth. I intend to fight  
10                  for the truth, and I suggest that  
11                  not only is this not un-American  
12                  but it is the most American thing  
13                  we can do, because if the truth  
14                  does not endure then our country  
15                  will not endure -- not in the way  
16                  it was supposed to. In our country  
17                  the worst of all crimes is when the  
18                  government murders truth. If it  
19                  can murder truth, it can murder  
20                  freedom. If it can murder freedom,  
21                  it can murder your own sons if they  
22                  should dare to fight for freedom,  
23                  and then announce that they were  
24                  killed in an industrial accident  
25                  or shot by the enemy, or God knows

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1                    what.

2                    But in this case finally it has been  
3                    possible to bring the truth about  
4                    the assassination into a court of  
5                    law, not before a commission com-  
6                    posed of important and powerful  
7                    and politically astute men, but  
8                    before a jury of citizens.

9                    Now I suggest to you that yours is a  
10                   hard duty, because in a sense what  
11                   you are passing on is equivalent  
12                   to a murder case. It has the same  
13                   essential characteristics, and the  
14                   difficult thing about passing on a  
15                   murder case is that the victim is  
16                   out of your sight and buried a long  
17                   distance away, and all you can see  
18                   is the defendant, and it is very  
19                   difficult to identify with someone  
20                   you can't see; and sometimes it is  
21                   hard not to identify to some extent  
22                   with the defendant and his problems.  
23                   In that regard, every prosecutor who is  
24                   at all humane, is conscious of feel-  
25                   ing sorry for the defendant in every

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1 case he prosecutes. But he is not  
2 free to forget the victim who lies  
3 buried out of sight, and I suggest  
4 to you that if you do your duty you  
5 also are not free to forget the  
6 victim who is buried out of sight.

7 You know, Tennyson once said that author-  
8 ity forgets the dying king. This  
9 was never more true than in the  
10 murder of John Kennedy. The strange  
11 and deceptive conduct of the Govern-  
12 ment after his murder began while  
13 his body was warm and has continued  
14 for five years. In a sense, you  
15 have seen in this courtroom indi-  
16 cations of the interest of some  
17 part of the government power struc-  
18 ture in keeping the truth down, in  
19 keeping the grave closed.

20 We presented a number of eye-witnesses,  
21 as well as an expert witness, as  
22 well as the Zapruder film, to show  
23 that the fatal wound of the Presi-  
24 dent came from the front. A plane  
25 landed from Washington and out

Reference copy, JFK Collection: ESCA (Rg 233)

1 steps Dr. Finck for the defense,  
2 to counter the clear and apparent  
3 evidence of a shot from the front.  
4 I don't have to go into Dr. Finck's  
5 testimony in detail for you to see  
6 that it simply did not correspond  
7 with the facts. He admitted that  
8 he did not complete the autopsy  
9 because a general told him not to  
10 complete the autopsy.

11 Now, in this conflict between power and  
12 justice -- to put it that way --  
13 just where do you think Dr. Finck  
14 stands? A general, who was not a  
15 pathologist, told him not to com-  
16 plete the autopsy, so he didn't  
17 complete it. This is the way I  
18 don't want my country to be. When  
19 our President is killed, he deserves  
20 the kind of autopsy that the ordi-  
21 nary citizen gets every day in the  
22 state of Louisiana. We can't have  
23 government power suddenly inter-  
24 jecting itself and preventing the  
25 truth from coming to the people.

Reference copy, JFK Collection: HSCA (RG 233)

1 But in this case, before the next  
2 morning when the sun rose, power  
3 had moved into the situation and  
4 the truth was being concealed.

5 And five years later in this court-  
6 room it is continuing in the same  
7 way.

8 We presented eye-witnesses who told you  
9 of the shots coming from the grassy  
10 knoll. A plane landed from Washing-  
11 ton and out came ballistics expert  
12 Frazier for the defense.

13 MR. DYMOND:

14 Object to this, if the Court please.

15 Mr. Frazier was subpoenaed here  
16 as a State witness.

17 THE COURT:

18 He testified for the Defense. He was  
19 called by the Defense, Mr. Dymond.

20 MR. DYMOND:

21 He was subpoenaed here from Washington  
22 as a State witness.

23 THE COURT:

24 It makes no difference who subpoenaed  
25 him; it is who put him on the

Reference copy, JFK Collection: HSCA (RG 233)

1 and most of you probably have in  
2 the Service -- you were shooting  
3 rifles in which the bullet traveled  
4 faster than the speed of sound, and  
5 I ask you to recall if you ever  
6 heard a sonic boom. If you remember  
7 when you were on the firing line  
8 and they would say, "Ready on the  
9 left, ready on the right, ready on  
10 the firing line, commence firing,"  
11 you heard the shots coming from  
12 the firing line to the left of  
13 you and to the right of you, and  
14 if you had heard, as the result of  
15 Frazier's fictional sonic booms,  
16 firing coming at you from the pits,  
17 you would have had a reaction and  
18 you would still remember it. It  
19 simply doesn't exist. It is a  
20 part of the fraud, a part of the  
21 government fraud, and the best way  
22 to make this country the kind of  
23 country it is supposed to be is to  
24 communicate to the government that  
25 no matter how powerful it may be,

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1 we do not accept fraud, we do not  
2 accept false announcements, we do  
3 not accept the concealment of evi-  
4 dence with regard to the murder of  
5 President Kennedy.

6 Who is the most believable -- a Richard  
7 Randolph Carr seated here in a  
8 wheelchair and telling you what  
9 he saw and what he heard and how  
10 he was told to shut his mouth, or  
11 Mr. Frazier with his sonic booms?

12 Do we have to actually reject Mr. Newman  
13 and Mrs. Newman and Mr. Carr and  
14 Roger Craig, and the testimony of  
15 all those honest witnesses --  
16 reject that and accept the fraudu-  
17 lent Warren Commission, or else  
18 leave the country?

19 I suggest to you that there are other  
20 alternatives, and one of them has  
21 been put in practice in the last  
22 month in the State of Louisiana,  
23 and that is to bring out the truth  
24 in a proceeding, where attorneys  
25 can cross-examine, where the

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1 defendant can be confronted by  
2 testimony against him, where the  
3 rules of evidence are applied,  
4 and where a jury of citizens can  
5 pass on it, and where there is no  
6 government secrecy, where you do  
7 not have evidence concealed for  
8 75 years in the name of national  
9 security.

10 All we have in this case are the facts --  
11 facts which show that the defendant  
12 participated in the conspiracy to  
13 kill the President, and that the  
14 President was subsequently killed  
15 in ambush.

16 The reply of the defense has been the  
17 same as the earlier reply of the  
18 government in the Warren Commission,  
19 has been authority, authority, the  
20 President's seal outside of a  
21 volume of the -- each volume of the  
22 Warren Commission, made necessary  
23 because there is nothing inside of  
24 these volumes. Men of high position  
25 and prestige sitting on a board and

Reference copy, JFK Collection: HSCA (RG 233)

1 announcing the results to you but  
2 not telling you what the evidence  
3 is, because that has to be hidden  
4 for 75 years.

5 You heard in this courtroom in recent  
6 weeks eye-witness after eye-witness  
7 after eye-witness, and, above all,  
8 you saw an eye-witness which was  
9 indifferent to power -- the Zapruder  
10 film. The lens of the camera is  
11 indifferent to power, and it tells  
12 you what happened, and that is one  
13 of the reasons two hundred million  
14 Americans have not seen the Zapruder  
15 film. They should have seen it  
16 many times. They should know  
17 exactly what happened. They should  
18 know what you know now. Why hasn't  
19 this come into being if there hasn't  
20 been government fraud? Of course  
21 there has. But I am telling you  
22 that I think we can do something  
23 about it. I think that there are  
24 still enough Americans left in this  
25 country to make it continue to be

Reference copy, JFK Collection: ESCA (Rg 233)

America. I think that we can still fight authoritarianism: the government's insistence on secrecy, the government force used in counter-attacks against an honest inquiry; and when we do that we are not being un-American, we are being American, because it isn't easy, and you are sticking your neck out in a rather prominent way, but it has to be done, because truth does not come into being automatically. Justice does not happen automatically.

Individual men, like the members of my staff here, have to work and fight to make it happen, and individual men like you have to make justice come into being, because otherwise it doesn't happen.

And what I am trying to tell you is that there are forces in America today, unfortunately, which are not in favor of the truth coming out about John Kennedy's assassination. As long as our government continues

Reference copy, JFK Collection: HSCA (RG 233)



1 to be like that, as long as such  
2 forces can get away with these  
3 kind of actions, then this is no  
4 longer the country in which we  
5 were born.

6 The murder of John Kennedy was probably  
7 the most terrible moment in the  
8 history of our country. Yet circum-  
9 stances have placed you in the posi-  
10 tion where not only have you seen  
11 the hidden evidence, but you are  
12 actually going to have the oppor-  
13 tunity to bring justice into the  
14 picture for the first time.

15 Now, you are here sitting in judgment  
16 on Clay Shaw, but you as men repre-  
17 sent more than jurors in an ordinary  
18 case, because of the victim in this  
19 case. You represent, in a sense,  
20 the hope of humanity against govern-  
21 ment power. You represent humanity  
22 which yet may triumph over excessive  
23 government power, if you will cause  
24 it to be so in the course of doing  
25 your duty in this case.

Reference copy, JFK Collection: HSCA (Rg 233)

1 I suggest that you "ask not what your  
2 country can do for you but what  
3 you can do for your country."

4 What can you do for your country? You  
5 can cause justice to happen for  
6 the first time in this matter.  
7 You can help make our country  
8 better by showing that this is  
9 still a government of the people;  
10 and if you do that, as long as you  
11 live nothing will ever be more  
12 important than that.

13 Thank you.  
14  
15  
16  
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25

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JFK ASSASSINATION SYSTEM

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CRIMINAL DISTRICT COURT  
PARISH OF ORLEANS  
STATE OF LOUISIANA

.....  
STATE OF LOUISIANA . 198-059  
VS. . 14:26 (30)  
CLAY L. SHAW . Section "C"  
.....

PROCEEDINGS IN OPEN COURT OF  
FRIDAY, FEBRUARY 28, 1969

JIM GARRISON'S CLOSING ARGUMENT

BEFORE:

THE HONORABLE EDWARD A. HAGGERTY, JR.,

JUDGE, SECTION "C"

Dietrich & Pickett, Inc.  
*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130 - 522-3111

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Document I.D. Shaw Trial Proceedings Vol. 47

INDEX

SLIM GARRISON

COPY TO

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Gary Cornwell  
Kenneth Klein  
Charlie Mathews  
Jim Wolf  
Donovan Gay  
Jackie Hess  
Cliff Fenton

Team #1

Team #2

Team #3

Team #4

Team #5

Form #2

Reference copy, JFK Collection: HSCA (Rg 233)

1 THE COURT: 1

2 Do I understand, Mr. Garrison, you wish  
3 to address the Jury?

4 MR. GARRISON:

5 Yes.

6 May it please the Court:

7 Gentlemen of the Jury, I'm not going to  
8 dignify Mr. Dymond's personal  
9 inferences about my staff, because  
10 I think you've seen them for some  
11 days, and I think you've seen me  
12 here, and I'll leave it to your  
13 judgment whether or not we would take  
14 advantage of any human being in order  
15 to try and get any gain of any sort;  
16 and I'll address myself to the  
17 remaining issues of the case which  
18 have been posed by Mr. Dymond.

19 Now, I know you're very tired. You've  
20 been very patient. This final day  
21 has been a long day, so I'll speak  
22 only a few minutes, and I'll  
23 probably make one of the shortest  
24 closing arguments that's been made  
25 in this Court, because I think most of

1 the issues are clear to you, and  
2 I feel that you probably have an  
3 understanding of the case by now.

4 Mr. Dymond posed, in his last argument,  
5 one final issue which in a sense  
6 raises a question of what we do when  
7 the need for justice is confronted  
8 by power.

9 So, let me talk to you about whether there  
10 is Government fraud in this case.

11 Now, a Government is a great deal like  
12 a human being; it's not necessarily  
13 all good, and it's not necessarily  
14 all bad. We live in a good country,  
15 and I love it, and you do, too.

16 But, we have, nevertheless, a  
17 Government which is not perfect,  
18 and there have been indications since  
19 November the 22nd of 1963, and that  
20 was not the last indication, that  
21 there is excessive power in some  
22 areas of our Government -- that the  
23 people have not received all of the  
24 truth about some of the things that  
25 have happened; some of the

assassinations that have occurred;  
and particularly with regard to the  
assassination of John Kennedy.

Going back to when we were children, I  
think most of us, probably all of  
us here in this Courtroom, thought  
that Justice came into being auto-  
matically; that virtue was its own  
reward; and good would triumph over  
evil; that it occurred automatically.  
Later, when we found that it wasn't  
quite so, most of us felt that,  
hopefully, that at least Justice  
occurred frequently of its own  
accord, but now I think that almost  
all of us would have to agree that  
there's really no automatic machinery,  
not on this earth at least, which  
causes Justice to happen auto-  
matically. Men have to make it  
occur. Individual human beings have  
to make it occur; otherwise, it  
doesn't come into existence, and this  
is not always easy. As a matter of  
fact, it's always hard, because



1 Justice presents a threat to power;  
2 and, in order to make Justice come  
3 into being, you often have to fight  
4 power.

5 Mr. Dymond raised the question: Why  
6 don't we say it's a fraud, and  
7 charge the Government with fraud,  
8 if this is the case?

9 Well, then, let me be explicit and make  
10 myself very clear on this point.

11 The Government's handling of the  
12 investigation of John Kennedy's  
13 murder was a fraud. It was the  
14 greatest fraud in the history of our  
15 country. It was probably the  
16 greatest fraud ever perpetrated in  
17 the history of humankind.

18 So, that's where I stand on that point.

19 But that doesn't mean that we have  
20 to accept the continued existence  
21 of the kind of Government which  
22 allows this to happen. We can do  
23 something about it. We're not  
24 forced to either leave this country,  
25 or accept the authoritarianism that's

1 developed, which tells us that in the 5  
2 year 2039 we can see the evidence  
3 about what happened to John Kennedy.  
4 Government does not consist only of  
5 secret police and domestic espionage  
6 operations and Generals and  
7 Admirals -- Justice consists of  
8 people. The Government consists of  
9 people, and our Government consists  
10 of juries; and cases of murder,  
11 whether of the poorest individual,  
12 or the most distinguished citizen  
13 in the land, should be looked at  
14 openly in a court of law, where  
15 juries can pass on them, and not  
16 hidden; not buried like the body  
17 of the victim, beneath concrete for  
18 75 years.

19 Now, you men in the recent weeks, have  
20 heard witnesses that no one else  
21 in the world has heard, and you've  
22 seen the Zapruder film. You've seen  
23 what happened to your President, and  
24 I suggest to you that most of you  
25 know right now that in that area at

1                   least, a fraud has been perpetrated.  
2                   That does not mean that our Government  
3                   is entirely bad; and I want to  
4                   emphasize that. It doesn't mean that  
5                   the President is bad. It doesn't  
6                   mean that the Supreme Court is bad.  
7                   It does mean that in recent years,  
8                   through the development of excessive  
9                   power, because of the cold war,  
10                  forces have developed in our Govern-  
11                  ment over which there is no control,  
12                  and these forces have an  
13                  authoritarian approach to Justice,  
14                  meaning, they will let you know what  
15                  Justice is.

16               Well, my reply to them, is we already know  
17               what it is. It is the Jury System.  
18               In the issue which is posed by the  
19               Government's conduct in concealing  
20               the evidence in this case. In the  
21               issue of humanity as opposed to power,  
22               I have chosen humanity, and I will do  
23               it without any hesitation, and I hope  
24               every one of you will do the same, and  
25               I do that because I love my country,

and I want to communicate to the Government that we will not accept unexplained assassinations, with the casual information that if we live 75 years longer we may be given more data.

In this particular case, our efforts to look into it, and it was our duty when we found out that part of the assassination finally occurred in New Orleans, massive power was brought to bear to prevent Justice from ever coming into this Courtroom as it has. The power to make authoritative pronouncements; the power to manipulate the news media by the release of false information; the power to interfere with an honest inquiry; the power to provide an endless variety of experts to testify in behalf of power, was demonstrated in this case. The American people have yet to see the Zapruder film.. Why? The American people have yet to see and hear from witnesses about the

assassination. Why?

Because, today in our Government, we have a problem area in which too much emphasis is given to secrecy with regard to the assassination of our President, and not enough emphasis has been given to the question of Justice; to the question of humanity.

These dignified deceptions will not suffice. We have had enough of power without truth. We don't have to accept power without truth, or leave the country. I don't accept that alternative. I don't intend to leave the country, and I don't intend to accept power without truth. I intend to fight for the truth, and I suggest that not only is this not un-American, but it is the most American thing we can do, because if the truth does not endure, then our country will not endure -- not in the way it was supposed to. In our country the worst of all crimes is when the Government murders truth.

1 If it can murder truth, it can  
2 murder freedom. If it can murder  
3 freedom, it can murder your own sons,  
4 if they should dare to fight for  
5 freedom, and then announce that they  
6 were killed in an industrial accident,  
7 or shot by the enemy, or God knows  
8 what.

9 But, in this case, finally it has been  
10 possible to bring the truth about  
11 the assassination into a Court of  
12 Law; not before a Commission composed  
13 of important and powerful and  
14 politically astute men, but before a  
15 Jury of citizens.

16 Now, I suggest to you that yours is a hard  
17 duty, because in a sense what you're  
18 passing on is equivalent to a murder  
19 case. It has the same essential  
20 characteristics, and the difficult  
21 thing about passing on a murder case  
22 is that the victim is out of your  
23 sight, and buried a long distance  
24 away, and all you can see is the  
25 Defendant, and it's very difficult to

1 identify with someone you can't  
2 see; and sometimes it's hard not to  
3 identify to some extent with the  
4 Defendant and his problems.

5 In that regard, every Prosecutor who is  
6 at all humane, is conscious of  
7 feeling sorry for the Defendant in  
8 every case he prosecutes. But, he  
9 is not free to forget the victim  
10 who lies buried out of sight, and I  
11 suggest to you that if you do your  
12 duty, you also are not free to forget  
13 the victim who is buried out of  
14 sight.

15 You know, Tennyson once said that authority  
16 forgets a dying king. This was never  
17 more true than in the murder of John  
18 Kennedy -- the strange and deceptive  
19 conduct of the Government after his  
20 murder began while his body was  
21 warm, and has continued for five  
22 years. In a sense, you have even  
23 seen in this Courtroom indications  
24 of the interest of some part of the  
25 Government power structure, in keeping

the truth down; in keeping the grave closed.

We presented a number of eye witnesses, as well as an expert witness, as well as the Zapruder film, to show that the fatal wound of the President came from the front. A plane landed from Washington, and out stepped Dr. Finck for the Defense, to counter the clear and apparent evidence of a shot from the front. I don't have to go into Dr. Finck's testimony in detail for you to see that it simply did not correspond with the facts. He admitted that he did not complete the autopsy, because a General told him not to complete the autopsy.

Now, in this conflict between power and Justice -- to put it that way -- just where do you think Dr. Finck stands? A General, who was not a Pathologist, told him not to complete the autopsy, so he didn't complete it. This is the way I don't want my country to be. When our President is killed,



1 he deserves the kind of autopsy that  
2 the ordinary citizen gets every day  
3 in the State of Louisiana. We can't  
4 have Government power suddenly  
5 interjecting itself and preventing  
6 the truth from coming to the people;  
7 but in this case, before the next  
8 morning when the sun rose, power had  
9 moved into the situation, and the  
10 truth was being concealed. And,  
11 five years later, in this Courtroom,  
12 it's continuing in the same way.

13 We presented eye witnesses who told you  
14 of the shots coming from the grassy  
15 knoll. A plane landed from  
16 Washington, and out came ballistics  
17 expert Frazier for the Defense.

18 MR. DYMOND:

19 Object to this, if the Court please.

20 Mr. Frazier was subpoenaed here as  
21 a State witness.

22 THE COURT:

23 He testified for the Defense. He was  
24 called by the Defense, Mr. Dymond.

25 MR. DYMOND:

1 He was subpoenaed here from Washington  
2 as a State witness.

3 THE COURT:

4 Makes no difference who subpoenaed him;  
5 it's who put him on the stand.

6 MR. DYMOND:

7 We didn't have anything to do with his  
8 coming here on a plane from  
9 Washington.

10 MR. GARRISON:

11 Now, the issue I'm getting to, as I'm  
12 sure every one of you understands,  
13 is whether or not the Government has  
14 created a fraud, and I call to your  
15 attention that Mr. Frazier's  
16 explanation of the sound of shots  
17 coming from the front, which was  
18 heard by eye witness after eye  
19 witness and after eye witness'-- his  
20 explanation is that Lee Oswald  
21 created a sonic boom in his firing.  
22 Not only did Oswald break all of the  
23 world's records for marksmanship,  
24 but he broke the sound barrier as  
25 well.

1 And I suggest to you, that if any of you  
2 have shot on a firing range, and  
3 most of you probably have in the  
4 Service, you were shooting rifles in  
5 which the bullet traveled faster  
6 than the speed of sound, and I ask  
7 you to recall if you ever heard a  
8 sonic boom. If you remember when  
9 you were on the firing line, and  
10 they'd say, "Ready on the left;  
11 ready on the right; ready on the  
12 firing line; commence firing;" you  
13 heard the shots coming from the  
14 firing line, to the left of you and  
15 to the right of you, and if you had  
16 heard, as a result of Frazier's  
17 fictional sonic booms, firing coming  
18 at you from the pits, you would have  
19 had a reaction, and you would still  
20 remember. It simply doesn't exist.  
21 It's a part of the fraud -- a part  
22 of the Government fraud -- and the  
23 best way to make this country the  
24 kind of country it's supposed to be,  
25 is to communicate to the Government

1           that no matter how powerful it may  
2           be, we do not accept fraud. We do  
3           not accept false announcements. We  
4           do not accept the concealment of  
5           evidence with regard to the murder  
6           of President Kennedy.

7           Who is the most believable -- a Richard  
8           Randolph Carr, seated here in a  
9           wheelchair, and telling you what he  
10          saw and what he heard, and how he  
11          was told to shut his mouth -- or  
12          Mr. Frazier, with his sonic booms?

13          Do we have to actually reject Mr. Newman  
14          and Mrs. Newman and Mr. Carr and  
15          Roger Craig, and the testimony of  
16          all those honest witnesses --  
17          reject that and accept the fraudulent  
18          Warren Commission, or else leave the  
19          country?

20          I suggest to you that there are other  
21          alternatives; and one of them has  
22          been put in practice in the last  
23          month in the State of Louisiana;  
24          and that is to bring out the truth  
25          in a proceeding where attorneys can

1 cross-examine; where the Defendant  
2 can be confronted by testimony against  
3 him; where the rules of evidence are  
4 applied, and where a Jury of  
5 citizens can pass on it, and where  
6 there is no Government secrecy.  
7 Where you do not have evidence  
8 concealed for 75 years in the name  
9 of National security.

10 All we have in this case are the facts --  
11 facts which show that the Defendant  
12 participated in the conspiracy to  
13 kill the President, and that the  
14 President was subsequently killed in  
15 an ambush.

16 The reply of the Defense has been the  
17 same as the early reply of the Govern-  
18 ment in the Warren Commission; has  
19 been authority, authority. The  
20 President's Seal outside of the  
21 volume of the -- each volume of the  
22 Warren Commission -- made necessary  
23 because there's nothing inside of  
24 these volumes. Men of high position  
25 and prestige sitting on a Board, and

announcing the results to you, but  
not telling you what the evidence is,  
because that has to be hidden for  
75 years.

You heard in this Courtroom in recent  
weeks, eye witness after eye witness  
after eye witness, and, above all,  
you saw an eye witness which was  
indifferent to power -- the Zapruder  
film. The lens of the camera is  
indifferent to power, and it tells  
what happened, and that is one of the  
reasons 200,000,000 Americans have  
not seen the Zapruder film. They  
should have seen it many times. They  
should know exactly what happened.  
They should know what you know now.  
Why hasn't this come into being, if  
there hasn't been Government fraud?  
Of course, there has. But, I'm  
telling you that I think we can do  
something about it. I think that  
there's still enough Americans left  
in this country to make it continue  
to be America. I think that we can

1 still fight authoritarianism -- the  
2 Government's insistence on secrecy;  
3 Government force used in counter-  
4 attacks against an honest inquiry --  
5 and when we do that, we're not being  
6 un-American -- we're being American,  
7 because it isn't easy, and you're  
8 sticking your neck out in a rather  
9 permanent way, but it has to be done,  
10 because truth does not come into  
11 being automatically. Justice does  
12 not happen automatically. Individual  
13 men, like the members of my staff  
14 here, have to work and fight to make  
15 it happen, and individual men like  
16 you have to make Justice come into  
17 being, because otherwise it doesn't  
18 happen.

19 And, what I'm trying to tell you is that  
20 there are forces in America today,  
21 unfortunately, which are not in favor  
22 of the truth coming out about John  
23 Kennedy's assassination. As long as  
24 our Government continues to be like  
25 that; as long as such forces can get

1 away with these kind of actions,  
2 then this is no longer the country  
3 in which we were born.

4 The murder of John Kennedy was probably  
5 the most terrible moment in the  
6 history of our country. Yet,  
7 circumstances have placed you in the  
8 position where not only have you  
9 seen the hidden evidence, but you  
10 are actually going to have the  
11 opportunity to bring Justice into the  
12 picture for the first time.

13 Now, you are here sitting in judgment on  
14 Clay Shaw; but you, as men,  
15 represent more than jurors in an  
16 ordinary case, because of the victim  
17 in this case. You represent, in a  
18 sense, the hope of humanity against  
19 Government power. You represent  
20 humanity which yet may triumph over  
21 excessive Government power, if you  
22 will cause it to be so, in the course  
23 of doing your duty in this case.

24 I suggest that you ask not what your  
25 country can do for you, but what you



can do for your country.

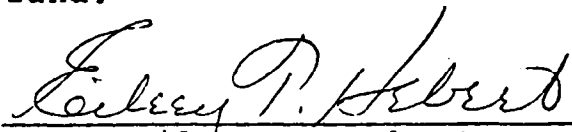
What can you do for your country? You can cause Justice to happen, for the first time in this matter. You can help make our country better by showing that this is still a Government of the people; and if you do that, as long as you live nothing will ever be more important than that.

Thank you.

...oOo...

I, Eileen T. Hebert, transcribed the above from the tape recording of the proceedings, this date, New Orleans, Louisiana.

5 March 1969

  
Eileen T. Hebert

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DATE 8/15/77

Document I.D. Shaw Trial Proceedings Vol. 48

INDEX

CHARGE to JURY

VERdict

COPY TO

Robert Blakey  
Gary Cornwell  
Kenneth Klein  
Charlie Mathews  
Jim Wolf  
Donovan Gay  
Jackie Hess  
Cliff Fenton

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Team #2

Team #3

Team #4

Team #5

Form #2

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002052

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.....	.	
STATE OF LOUISIANA	.	198-059
VS.	.	14:26 (30)
CLAY L. SHAW	.	Section "C"
.....	.	

PROCEEDINGS IN OPEN COURT BEGINNING  
FRIDAY, FEBRUARY 28, 1969

JUDGE HAGGERTY'S CHARGE TO THE JURY

Reference copy, JFK Collection: HSCA (RG 233)

**Dietrich & Pickett, Inc.**  
*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130-522-3111

1 THE COURT:

2 Gentlemen of the Jury, I am not going  
3 to take a recess. Just remain  
4 seated in your jury box. I have  
5 promised to give copies to the  
6 press. If the gentlemen will come  
7 to my chambers, I will give them  
8 copies.

9 Please check, Mr. Sheriff, to see if  
10 there is anybody outside. I don't  
11 want them coming in or out when I  
12 am reading the charge.

13 I want to know if they have locked the  
14 front door.

15 THE BAILIFF:

16 It is now locked, Your Honor.

17 THE COURT:

18 All right. Take this down.

19 I have been requested, before the case  
20 started, by the Defense to give a  
21 written charge. I am complying  
22 with the law by giving a written  
23 charge. I have also, before I am  
24 reading this charge, given a copy  
25 to the District Attorney and to

Reference copy, JFK Collection: HSCA (RG 233)

1 the Defense, which is required by  
2 law.

3 Let everybody have a seat, Sheriff.

4 That is just what I am talking  
5 about.

6 THE BAILIFF:

7 Nobody is going to interrupt, Judge.

8 THE COURT:

9 General Charge -- Jury Instructions.

10 It becomes my duty as judge to instruct  
11 you concerning the law applicable  
12 to this case, and it is your duty  
13 as jurors to follow the law as I  
14 shall state it to you.

15 The function of the jury is to try the  
16 issues of fact that are presented  
17 by the allegations in the indict-  
18 ment filed in this court and the  
19 defendant's plea of "not guilty."  
20 This duty you should perform un-  
21 influenced by pity for a defendant  
22 or by passion or prejudice against  
23 him. You must not suffer your-  
24 selves to be biased against a  
25 defendant because of the fact that

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1 he has been arrested for this  
2 offense, or because an indictment  
3 has been filed against him, or  
4 because he has been brought before  
5 the court to stand trial. None of  
6 these facts is evidence of his  
7 guilt, and you are not permitted  
8 to infer or to speculate from any  
9 or all of them that he is more  
10 likely to be guilty than innocent.

11 Gentlemen, you are to be governed solely  
12 by the evidence introduced in this  
13 trial and the law as stated to you  
14 by me. The law forbids you to be  
15 governed by mere sentiment, con-  
16 jecture, sympathy, passion, pre-  
17 judice, public opinion or public  
18 feeling. Both the State and the  
19 Defendant have a right to demand,  
20 and they do demand and expect, that  
21 you will conscientiously and dis-  
22 passionately consider and weigh  
23 the evidence and apply the law of  
24 the case, and that you will reach  
25 a just verdict, regardless of what

Reference copy, JFK Collection: HSCA (Rg 233)

1 the consequences of such verdict  
2 may be. That verdict must express  
3 the individual opinion of each  
4 juror.

5 Gentlemen, you are the exclusive judges  
6 of the facts and of the effect and  
7 value of the evidence, but you must  
8 determine the facts from the evi-  
9 dence produced here in court. If  
10 any evidence was admitted and after-  
11 wards was ordered by me to be  
12 stricken out, you must disregard  
13 entirely the matter thus stricken,  
14 and if any counsel intimated by any  
15 of his questions that certain  
16 hinted facts were, or were not,  
17 true, you must disregard any such  
18 intimation, and must not draw any  
19 inference from it. As to any  
20 statement made by counsel in your  
21 presence concerning the facts in  
22 the case, you must not regard such  
23 a statement as evidence; provided,  
24 however, that if counsel for both  
25 parties have stipulated to any fact,

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1           you are to regard that fact as  
2           being conclusively proved; and if,  
3           in the trial, either party has  
4           admitted a fact to be true, such  
5           admission may be considered by you  
6           as evidence in the case.

7           The State and the Defendant are both  
8           entitled to the individual opinion  
9           of each juror. It is the duty of  
10          each of you, after considering all  
11          the evidence in this case, to deter-  
12          mine, if possible, the question of  
13          the guilt or innocence of the De-  
14          fendant. When you have reached a  
15          conclusion in that respect, you  
16          should not change it merely be-  
17          cause one or more or all of your  
18          fellow jurors may have come to a  
19          different conclusion, or merely to  
20          bring about a unanimous verdict.  
21          However, each juror should freely  
22          and fairly discuss with his fellow  
23          jurors the evidence and the deduc-  
24          tions to be drawn therefrom. If,  
25          after doing so, any juror should be

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1 satisfied that a conclusion first  
2 reached by him was wrong, he un-  
3 hesitatingly should abandon that  
4 original opinion and render his  
5 verdict according to his final  
6 decision.

7 The attitude and conduct of jurors at  
8 the outset of their deliberations  
9 are a matter of considerable impor-  
10 tance. It is rarely productive of  
11 good for a juror, upon entering the  
12 jury room, to make an emphatic  
13 expression of his opinion on the  
14 case or to announce a determination  
15 to stand for a certain verdict.  
16 When one does that at the outset,  
17 his sense of pride may be aroused,  
18 and he may hesitate to recede from  
19 an announced position if shown that  
20 it is fallacious. Remember that  
21 you are not partisans or advocates,  
22 but rather judges. The final test  
23 of the quality of your service will  
24 lie in the verdict which you return  
25 to this court, not in the opinions

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1 any of you may hold as you retire.  
2 Have in mind that you will make a  
3 definite contribution to efficient  
4 judicial administration if you  
5 arrive at a just and proper verdict  
6 in this case. To that end, the  
7 court reminds you that in your  
8 deliberations in the jury room  
9 there can be no triumph excepting  
10 the ascertainment and declaration  
11 of truth.

12 If in these instructions any rule,  
13 direction or idea be stated in  
14 varying ways, no emphasis thereon  
15 is intended by me, and none must  
16 be inferred by you. For that  
17 reason, you are not to single out  
18 any certain sentence, or any indi-  
19 vidual point or instruction, and  
20 ignore the others, but you are to  
21 consider all the instructions as a  
22 whole, and are to regard each in  
23 the light of all the others.

24 The order in which the instructions are  
25 given to you has no significance

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1 as to their relative importance.

2 At times throughout the trial the court  
3 has been called upon to pass on the  
4 question whether or not certain  
5 offered evidence might properly be  
6 admitted. You are not to be con-  
7 cerned with the reasons for such  
8 rulings and are not to draw any  
9 inferences from them. Whether  
10 offered evidence is admissible is  
11 purely a question of law. In admit-  
12 ting evidence to which an objection  
13 is made, the court does not deter-  
14 mine what weight should be given  
15 such evidence; nor does it pass on  
16 the credibility of the witness. As  
17 to any offer of evidence that has  
18 been rejected by the court, you, of  
19 course, must not consider the same;  
20 as to any question to which an  
21 objection was sustained, you must  
22 not conjecture as to what the  
23 answer might have been or as to  
24 any reason for the objection.

25 The court has endeavored to give you

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1 instructions embodying all rules  
2 of law that may become necessary  
3 in guiding you to a just and lawful  
4 verdict. The applicability of some  
5 of these instructions will depend  
6 upon the conclusions you reach as  
7 to what the facts are. As to any  
8 such instruction, the fact that it  
9 has been given must not be taken  
10 as indicating an opinion of the  
11 court that the instruction will be  
12 necessary or as to what the facts  
13 are. If an instruction applies  
14 only to a state of facts which you  
15 find does not exist, you will dis-  
16 regard the instructions.

17 In arriving at a verdict in this case,  
18 you should not discuss or consider  
19 the subject of penalty or punish-  
20 ment, as that is a matter which  
21 lies with the court.

22 I am striking the rest of that paragraph  
23 out.

24 Gentlemen, the Defendant at the bar is  
25 presumed to be innocent until he

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1 is proven guilty beyond a reason-  
2 able doubt.

3 The consequence of this rule of law is  
4 that he is not required to prove  
5 his innocence, but may rest upon  
6 the presumption in his favor until  
7 it is overthrown by positive affirm-  
8 ative proof. The onus, therefore,  
9 is on the State to prove to your  
10 satisfaction, and beyond a reason-  
11 able doubt, the guilt of the accused  
12 as to the crime charged in the in-  
13 dictment.

14 If you entertain any reasonable doubt  
15 as to any fact or element necessary  
16 to constitute the Defendant's guilt,  
17 it is your sworn duty to give him  
18 the benefit of that doubt and  
19 return a verdict of acquittal.  
20 Even where the evidence demon-  
21 strates a probability of guilt,  
22 yet if it does not establish it  
23 beyond a reasonable doubt, you  
24 must acquit the accused. This  
25 doubt must be a reasonable one,

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1 that is, founded upon a real,  
2 tangible, substantial basis, and  
3 not upon mere caprice, fancy or  
4 conjecture. It must be such a  
5 doubt as would give rise to a grave  
6 uncertainty, raised in your minds  
7 by reason of the unsatisfactory  
8 character of the evidence; one that  
9 would make you feel that you had  
10 not an abiding conviction to a  
11 moral certainty of the Defendant's  
12 guilt. If, after giving a fair and  
13 impartial consideration to all of  
14 the facts in the case, you find the  
15 evidence unsatisfactory upon any  
16 single point indispensably neces-  
17 sary to constitute the Defendant's  
18 guilt, this would give rise to such  
19 a reasonable doubt as would justify  
20 you in rendering a verdict of not  
21 guilty.

22 The prosecution must establish guilt by  
23 legal and sufficient evidence  
24 beyond a reasonable doubt, but the  
25 rule does not go further and re-

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1           quire a preponderance of testimony.  
2           It is incumbent upon the State to  
3           prove the offense charged, or  
4           legally included in the indictment,  
5           to your satisfaction, and beyond a  
6           reasonable doubt. A reasonable  
7           doubt is not a mere possible doubt.  
8           It should be an actual or substan-  
9           tial doubt. It is such a doubt as  
10          a reasonable man would seriously  
11          entertain. It is a serious doubt,  
12          for which you could give good  
13          reason.

14           The indictment in this case is a mere  
15           accusation or charge against the  
16           Defendant, and it is not evidence  
17           of the Defendant's guilt, and the  
18           fact that such an indictment has  
19           been found is of no weight, and  
20           does not carry any presumption of  
21           guilt, and you must not be influ-  
22           enced by it in considering the  
23           case. It has no more probative  
24           value than a bill of information  
25           filed by the District Attorney or

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1 an affidavit made by an individual.  
2 Gentlemen of the Jury, you are prohibi-  
3 ted by law and your oath from going  
4 beyond the evidence to seek for  
5 doubts upon which to acquit or  
6 convict the Defendant, but must  
7 confine yourselves strictly to a  
8 dispassionate consideration of the  
9 testimony given upon the trial.  
10 You must not resort to extraneous  
11 facts or circumstances in reaching  
12 your verdict. That is, you must  
13 not go beyond the evidence to find  
14 facts or circumstances creating  
15 doubts, but must restrict your-  
16 selves to the evidence that you  
17 have heard on the trial of this  
18 case.

19 You are the exclusive judges of the  
20 facts. You are to find from the  
21 evidence which facts have been  
22 proved and which facts have not  
23 been proved. For this purpose,  
24 you determine the credibility of  
25 the witnesses, accordingly as you

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are impressed with their veracity.

You may take into account their demeanor, their manner on the stand, the probability or improbability of their statements, the interest or want of interest they may have in the case, and every circumstance surrounding the giving of their testimony which may aid you in weighing their statements.

If you believe that any witness in the case, either for the State or the Defense, has willfully and deliberately testified falsely to any material fact, then I charge you that you are justified in disregarding the entire testimony of such witness as proving nothing and as unworthy of belief. You have the right to accept as true, or reject as false, the testimony of any witness accordingly as you are impressed with his or her veracity.

You are also judges of the law, but in

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1 a different sense. You receive the  
2 evidence from the witnesses; you  
3 receive the law from the Court,  
4 and it is your duty to accept the  
5 law and to apply it as given to  
6 you.

7 The Defendant is permitted by law to  
8 testify in his own behalf. If he  
9 exercises his privilege, he is  
10 governed by the same rules, in  
11 testing his credibility and the  
12 correctness of his statements, as  
13 every other witness. You have the  
14 right to believe or disbelieve him,  
15 just as he impresses you as to the  
16 truth or falsity of his testimony.  
17 When he does not avail himself of  
18 this privilege, you should not con-  
19 sider this fact, or permit it to  
20 raise a presumption of guilt against  
21 him, and you should consider in  
22 determining his guilt or innocence,  
23 only those facts testified to and  
24 brought out on the trial of this  
25 case.

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The Defendant is entitled to the individual opinion of each juror, but any juror may change his opinion as the result of reasonable persuasion by his fellow jurors.

The law requires and obliges the District Attorney, representing the State of Louisiana, to make an opening statement explaining the nature of the charge and the evidence by which he expects to prove the same. The law leaves to the counsel for the Defendant the option of explaining their defense and the evidence by which he expects to establish the same or of waiving his right to make an opening statement.

The function and purpose of an opening statement by the District Attorney is simply to explain the nature of the charge and the evidence by which he expects to establish the same; the opening statement by counsel for the Defendant is to

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1 explain the theory of the Defense  
2 and the evidence by which he ex-  
3 pects to prove same. Whether an  
4 opening statement is made by the  
5 District Attorney or Counsel for  
6 the Defendant, you are not to con-  
7 sider the opening statement as  
8 proving anything at all in the  
9 case. You are to consider only  
10 the evidence in the case and the  
11 testimony of sworn witnesses who  
12 have appeared before you on the  
13 witness stand.

14 Should either the District Attorney or  
15 the Counsel for the Defendant make  
16 statements in an opening statement  
17 and fail to substantiate them by  
18 the testimony of sworn witnesses  
19 on the statements made by them, but  
20 on the contrary, you should disre-  
21 gard the same as if never having  
22 been uttered.

23 In law there are two methods by which  
24 facts can be established; by  
25 direct evidence and by circumstan-

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1                    tial evidence.

2                    Direct evidence is the evidence of  
3                    material facts relating directly,  
4                    and without inference, to the ques-  
5                    tions at issue, or the facts to be  
6                    proved.

7                    Circumstantial evidence is the evidence  
8                    of material facts which may be  
9                    inferred from the existence of  
10                   other material facts relating to  
11                   the questions at issue, or the  
12                   facts to be proved.

13                   Circumstantial evidence is legal and  
14                   competent and must be considered  
15                   by the jury together with the  
16                   direct evidence, if any, which may  
17                   have been adduced at the trial.  
18                   The jury should draw inferences  
19                   only from the facts which have been  
20                   proved beyond a reasonable doubt.

21                   When the evidence in a case consists of  
22                   both direct and circumstantial  
23                   evidence, you must not convict  
24                   unless you are satisfied beyond any  
25                   reasonable doubt of the Defendant's

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1                   guilt.

2                   When the evidence in a case consists  
3                   exclusively of circumstantial evi-  
4                   dence, the rule is that, assuming  
5                   every fact to be proved that the  
6                   evidence tends to prove, in order  
7                   to convict it must exclude every  
8                   reasonable hypothesis or theory of  
9                   innocence.

10                  Every expert witness must state the  
11                  facts upon which his opinion is  
12                  based. The test of the competency  
13                  of an expert is his knowledge of  
14                  the subject about which he is  
15                  called upon to express an opinion,  
16                  and before any witness can give  
17                  evidence as an expert, his compe-  
18                  tency so to testify must have been  
19                  established to the satisfaction of  
20                  the court. Experts are persons who  
21                  are learned in a particular science,  
22                  and they are permitted to express  
23                  their opinion upon scientific  
24                  matters at issue, but such experts  
25                  are not called into court for the

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1 purpose of deciding the case. You,  
2 the jurors, are the ones who, in  
3 law, must bear the responsibility  
4 of deciding the case. The experts  
5 are merely witnesses, and you have  
6 the right to either accept or re-  
7 ject their testimony and opinions  
8 in the same manner and for the same  
9 reason for which you may accept or  
10 reject the testimony of other wit-  
11 nesses in the case.

12 There are certain legal presumptions in  
13 law, and these are covered in R.S.  
14 15:432.

15 "R.S. 15:432. Effect of legal presump-  
16 tions; rebutting evidence; illus-  
17 trations.

18 "A legal presumption relieves him in  
19 whose favor it exists from the  
20 necessity of any proof; but may  
21 nonetheless be destroyed by rebut-  
22 ting evidence; such is the pre-  
23 sumption attaching to the regu-  
24 larity of judicial proceedings;  
25 that the grand jury was legally

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1 constituted; that public officers  
2 have done their duty; that a rela-  
3 tion or subject matter once estab-  
4 lished, continues, but not that it  
5 pre-existed; that the defendant  
6 intended the natural and probable  
7 consequences of his act; that the  
8 defendant is innocent; that the  
9 defendant is sane and responsible  
10 for his actions; that the person  
11 in the unexplained possession of  
12 property recently stolen is the  
13 thief; that evidence under the con-  
14 trol of a party and not produced by  
15 him was not produced because it  
16 would not have aided him; that the  
17 witnesses have told the truth."

18 "R.S. 14:26 -- Criminal Conspiracy.

19 "Criminal conspiracy is the agreement  
20 or combination of two or more  
21 persons for the specific purpose  
22 of committing any crime; provided  
23 that an agreement or combination  
24 to commit a crime shall not amount  
25 to a criminal conspiracy unless, in

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1 addition to such agreement or com-  
2 bination, one or more of such  
3 parties does an act in furtherance  
4 of the object of the agreement or  
5 combination.

6 "Where the intended basic crime has been  
7 consummated the conspirators may be  
8 tried for either the conspiracy or  
9 the completed offense, and a con-  
10 viction for one shall not bar a  
11 prosecution for the other.

12 "Whoever is a party to a criminal con-  
13 spiracy to commit a crime punish-  
14 able by death or life imprisonment,  
15 shall be imprisoned at hard labor  
16 for not less than one nor more  
17 than twenty years.

18 "Whoever is a party to a criminal con-  
19 spiracy to commit the crimes of  
20 theft or receiving stolen things  
21 shall be fined not more than two  
22 hundred dollars, or imprisoned for  
23 not more than one year, or both.

24 "Whoever is a party to a criminal con-  
25 spiracy to commit any other crime

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1 shall be fined or imprisoned, or  
2 both, in the same manner as for the  
3 offense contemplated by the con-  
4 spirators; but such fine or im-  
5 prisonment shall not exceed one-  
6 half of the largest fine, or one-  
7 half the longest term of imprison-  
8 ment prescribed by such offense,  
9 or both."

10 "THE INDICTMENT.

11 "The Grand Jurors of the State of  
12 Louisiana, duly impaneled and sworn  
13 in and for the body of the Parish  
14 of Orleans, in the name and by the  
15 authority of the said State, upon  
16 their oath, PRESENT That one CLAY  
17 L. SHAW, late of the Parish of  
18 Orleans, between the 1st day of  
19 September and the 10th day of  
20 October, in the year of our Lord,  
21 One Thousand, Nine Hundred Sixty-  
22 Three, with force and arms in the  
23 Parish of Orleans aforesaid, and  
24 within the jurisdiction of the  
25 Criminal District Court for the

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1 Parish of Orleans did willfully  
2 and unlawfully conspire with DAVID  
3 W. FERRIE, herein named but not  
4 charged and LEE HARVEY OSWALD,  
5 herein named but not charged and  
6 others, not herein named, to murder  
7 JOHN F. KENNEDY, contrary to the  
8 form of Statute of the State of  
9 Louisiana in such cases made and  
10 provided and against the peace and  
11 dignity of the same."

12 Signed "ALVIN V. OSER, Assistant District  
13 Attorney of the Parish of Orleans.

14 "No. 198-059 (M-703)

15 "Section 'C'

16 "STATE OF LOUISIANA versus CLAY L. SHAW

17 "INDICTMENT FOR VIO.R.S. 14:26(30)

18 "TRUE BILL/s/ ALBERT V. LaBICHE, Foreman  
19 of Grand Jury

20 "New Orleans, March 22, 1967

21 "Returned in Open Court and recorded  
22 and filed March 22, 1967

23 "/s/ GEORGE W. PLATT, Minute Clerk

24 "Arraigned April 5, 1967 and pleaded  
25 not guilty. Granted until May 5,

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1 1967, to file pleadings.

2 "/s/ HELEN SULLIVAN, Minute Clerk

3 "3/22/67 - Capias issued: Bond set at

4 \$10,000.00 /s/ Geo. W. Platt, M.C."

5 The law defines a conspiracy to be an  
6 agreement or understanding between  
7 two or more persons that they will  
8 commit an unlawful act, that is,  
9 that they will combine together to  
10 accomplish by the united action a  
11 criminal or unlawful purpose, or a  
12 purpose which is not in itself  
13 criminal or unlawful, by criminal  
14 or unlawful means, to accomplish  
15 which agreement and in furtherance  
16 thereof an overt act is committed  
17 by one or more of the parties to  
18 the agreement. In other words, a  
19 conspiracy is a criminal partner-  
20 ship, the design and object of  
21 which is to do an unlawful act or  
22 series of unlawful acts, or to do  
23 a lawful act or a series of lawful  
24 acts by unlawful means, accompanied  
25 by an overt act to effect the object

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1 of such agreement.

2 Where a criminal conspiracy has been  
3 formed, each of the persons form-  
4 ing the same, while he is a member  
5 thereof, is liable for every act,  
6 and is bound by the acts and declar-  
7 ations of each and all of the con-  
8 spirators, done or made in pur-  
9 suance and furtherance of the said  
10 conspiracy, and continues to be so  
11 liable and bound for so long as he  
12 remains a member thereof.

13 In contemplation of law, during the time  
14 when persons are co-conspirators,  
15 the act of one in pursuance of the  
16 common design is the act of all,  
17 and each is legally responsible  
18 for any act of a confederate that  
19 follow incidentally in the execu-  
20 tion of the common design as one of  
21 its probable and natural conse-  
22 quences, even though it was not  
23 intended as a part of the original  
24 plan, and even though he was not  
25 present at the time of the commis-

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1                   sion of such act.

2                   The formation and existence of a crim-  
3                   inal conspiracy rarely can be  
4                   shown by direct evidence, and cir-  
5                   cumstantial evidence alone may  
6                   support a finding of the formation  
7                   and existence of a conspiracy.

8                   In determining whether an alleged con-  
9                   spiracy was formed and existed, it  
10                  is proper to take into consider-  
11                  ation the relation of the accused  
12                  parties and their personal and  
13                  business associations with each  
14                  other, if any. You may consider  
15                  all facts tending to show what, if  
16                  anything, occurred between the  
17                  accused parties at or before the  
18                  time of the alleged combination or  
19                  agreement, or thereafter, in rela-  
20                  tion thereto. You may also con-  
21                  sider evidence of the acts and  
22                  declarations of said parties after  
23                  the formation of the alleged com-  
24                  bination or agreement, in respect  
25                  to, and in pursuance and further-

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1           ance of, the alleged conspiracy.

2           It is not necessary in proving a con-  
3           spiracy to show a meeting of the  
4           alleged conspirators or the making  
5           of an express or formal agreement.  
6           The formation and existence of a  
7           conspiracy may be inferred from all  
8           circumstances tending to show the  
9           common intent and may be proved in  
10          the same way as any other fact may  
11          be proved, either by direct testi-  
12          mony of the fact or by circumstan-  
13          tial evidence, or by both direct  
14          and circumstantial evidence.

15          Although an essential element of a  
16          criminal conspiracy is an agreement  
17          between two or more persons, and  
18          although the proof must show the  
19          existence of such an agreement to  
20          support a conviction, the law does  
21          not require that the agreement be  
22          a formal one, or that it be in  
23          writing, or that the persons hold  
24          a meeting and expressly state the  
25          terms of a common undertaking, or

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1           that the agreement be stated in  
2           words between them as men usually  
3           express a lawful business agreement.  
4           The agreement of criminal conspir-  
5           acy may come into being through a  
6           tacit, mutual understanding, and  
7           the willful, intentional and know-  
8           ing adoption by two or more persons  
9           of a common design, if the other  
10          necessary elements of such a con-  
11          spiracy are present.

12           Any member of a conspiracy may withdraw  
13          from, and thereafter cease to be a  
14          party to, the unlawful confederacy  
15          and may thus terminate his liabil-  
16          ity as to all future acts of the  
17          conspiracy, but to accomplish that  
18          effect he must not only cease par-  
19          ticipation in the conspiracy, but  
20          must give notice of his withdrawal  
21          to all other members of the con-  
22          spiracy of whom he has knowledge.  
23          Such a withdrawal does not erase  
24          his previous participation in the  
25          conspiracy nor relieve him of

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1 responsibility for the acts of the  
2 conspiracy committed while he was  
3 a member.

4 A person who, by conspiring with others,  
5 advises and encourages the commis-  
6 sion of an unlawful act cannot  
7 escape responsibility by quietly  
8 withdrawing from the operations of  
9 the conspiracy. The influence and  
10 effect of his advice and encourage-  
11 ment continue until he actually  
12 renounces the common purpose and  
13 makes it plain to all other con-  
14 spirators of whom he has knowledge  
15 that he has done so and that he  
16 does not intend to participate  
17 further in any act of the con-  
18 spiracy. If he does so withdraw,  
19 he is not liable for any subsequent  
20 acts of the conspirators, but the  
21 withdrawal does not erase his pre-  
22 vious participation in the con-  
23 spiracy nor relieve him of responsi-  
24 bility for the acts of the con-  
25 spiracy committed while he was a

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1 member.

2 Gentlemen, the law of Louisiana is  
3 covered in Article 338 which reads  
4 as follows:

5 "338. Cases requiring jury of twelve -  
6 Number required to concur.

7 "Whenever the indictment does not charge  
8 a capital offense, but does charge  
9 a felony necessarily punishable  
10 with imprisonment at hard labor,  
11 the trial shall be by a jury of  
12 twelve, nine of whom must concur  
13 for the finding of any verdict."

14 Therefore, you are hereby advised and  
15 instructed that you do not have to  
16 be unanimous, that only nine out of  
17 twelve is necessary to reach a legal  
18 verdict in this case. When you  
19 have at any time reached the nine  
20 votes on one decision, you do not  
21 have to remain and deliberate until  
22 you make it unanimous.

23 The Deputy Sheriff at my request has  
24 placed paper and pencils in your  
25 room for your use in the event you

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1           cast secret ballots.

2           You are permitted by law to review any  
3           exhibits offered into evidence  
4           either by the State or by the  
5           Defense prior to your leaving the  
6           court to deliberate in this matter.  
7           However, once you have left, you  
8           cannot come down and read and  
9           inspect such exhibits.

10          The law does not of recent date permit  
11          a re-reading of any testimony by  
12          any witness, so you must rely on  
13          your memory as to what was said  
14          during the course of this trial.

15          I am required by the law of Louisiana  
16          to give you a written list of the  
17          verdicts responsive, and this is  
18          covered, which I will now read to  
19          you, by Articles 809 and 810 of  
20          the Code of Criminal Procedure of  
21          the State of Louisiana:

22          "Art. 809. Judge to give jury written  
23          list of responsive verdicts.

24          "After charging the jury, the judge  
25          shall give the jury a written list

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1 of the verdicts responsive to each  
2 offense charged, with each separ-  
3 ately stated. The list shall be  
4 taken into the jury room for use by  
5 the jury during its deliberation."

6 In connection with that I have a sheet  
7 of responsive verdicts:

8 No. 1. We, the jury, find the defendant  
9 guilty.

10 No. 2. We, the jury, find the defendant  
11 not guilty.

12 On the reverse I have the date -- it is  
13 March 1 as of this second -- New  
14 Orleans, Louisiana. "We, the jury,  
15 find the defendant" -- whatever  
16 your verdict is -- and let your  
17 foreman sign it. You have a fore-  
18 man.

19 "Art. 810. Form of verdict; delivery of  
20 verdict.

21 "When a verdict has been agreed upon,  
22 the foreman shall write the verdict  
23 on the back of the list of respon-  
24 sive verdicts given to the jury and  
25 shall sign it. There shall be no

1 formal requirement as to the lan-  
2 guage of the verdict except that it  
3 shall clearly convey the intention  
4 of the jury.

5 "The foreman of the jury shall deliver  
6 the verdict to the judge in open  
7 court."

8 If a situation arises where there is a  
9 difference of opinion among the  
10 jurors and they wish that I repeat  
11 or re-read any part or all of my  
12 instructions, let them notify the  
13 Deputy Sheriff and I will gladly  
14 grant your request. If the jury  
15 would like a further explanation  
16 of a particular point of law, I  
17 will be happy to orally give such  
18 explanation to the jury. I repeat,  
19 nine out of twelve of you must vote  
20 in order to bring a legal verdict  
21 in this matter. The possible  
22 responsive verdicts in this case  
23 are guilty or not guilty. The form  
24 on which you shall write your ver-  
25 dict is this: You will write "New

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1 Orleans, Louisiana" and then the  
2 date, whether it be February 28 or  
3 possibly March 1 -- and it is now  
4 March 1 -- as the case may be, 1969.  
5 And the form of your verdict should  
6 be written on the reverse of the  
7 paper that I am handing you which  
8 spells out for you the responsive  
9 verdicts. Your verdict should be  
10 in the form, "We, the Jury, find  
11 the Defendant" whatever your ver-  
12 dict may be. And the foreman signs  
13 his name and writes under his name,  
14 "Foreman."

15 Now, gentlemen, before you retire, just  
16 a moment and let me ask the State  
17 and the Defense a question or two.  
18 Even though I have been requested  
19 to give a written charge, and have  
20 given said written charge to the  
21 jury, is there any request on the  
22 part of the State or Defense  
23 counsel for any additional instruc-  
24 tions, additional charges, or is  
25 there any particular objection to

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the charge as given to the jury?

(NO RESPONSE)

Now in connection with the special charges given to me, let me rule on them and then I will see if you have any requests of me.

I have granted for the Defense Special Charge No. 8, No. 11 and No. 12. The others I refused because they have been covered in my general charge under Article 807 of the Code of Criminal Procedure. So the Defense may wish to take a bill.

MR. DYMOND:

In connection with that ruling, the Defense would like to object and reserve a bill to the refusal of granting Special Charges 1, 2, 3, 4, 5, 6, 7, 9, 10, 13, 14, 15, 16, and 17, reserving a separate bill on each charge, making the entire record, the special charge submitted, the court's general charge, and all testimony part of the bill.

THE COURT:

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1 Now with respect to the special charges

2 presented to me by the State,

3 Special Charges 1, 2, and 3, I have

4 refused to give them because I feel

5 I have covered them in my general

6 charge with respect to Article 807

7 of the Code of Criminal Procedure.

8 I will now read the special charges that

9 I will grant.

10 "Special Charge No. 8.

11 "The defense of alibi is not applicable

12 in a case involving the charge of

13 conspiracy to the same extent that

14 it would be applicable in other

15 types of cases.

16 "The reason for this is that if the

17 defendant has been a party to a

18 conspiratorial agreement or com-

19 bination, his presence at the

20 scene of the commission of an overt

21 act need not be proven in order to

22 warrant a conviction, provided he

23 has not withdrawn from the con-

24 spiracy and the conspiracy has not

25 yet terminated.

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1 "Alibi could be an element of the  
2 defense in the conspiracy case in  
3 this sense. However, if the State  
4 contends that a defendant was pre-  
5 sent and a party to a conspiratorial  
6 meeting, alibi would be relevant to  
7 show the untruth of this contention.  
8 Likewise, if the State contends  
9 that a defendant committed an overt  
10 act at a certain time and place,  
11 alibi likewise would be relevant to  
12 prove the untruth of such conten-  
13 tion. Alibi is evidence of the  
14 fact that defendant was not at a  
15 particular location at the time  
16 that the State contends that he  
17 was there, and the jury need not  
18 be fully satisfied with the truth  
19 of such an alibi, but the evidence  
20 in support of it should be con-  
21 sidered in connection with all the  
22 other evidence in the case in de-  
23 termining whether there is reason-  
24 able doubt as to the guilt of the  
25 accused."

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1 "Special Charge No. 11.

2 "The general reputation of an accused  
3 for honesty, truthfulness, peace  
4 and quiet."

5 I have changed my mind. I am going to  
6 refuse this charge. I refuse this  
7 because I rule that it is not per-  
8 tinent under Article 807. You may  
9 take a bill.

10 MR. DYMOND:

11 We will not reserve a bill on that,  
12 Judge.

13 THE COURT:

14 I am going to grant No. 12.

15 "The verdict of a jury represents the  
16 collective opinions of the members  
17 of that jury. It is the duty of  
18 each juror to listen carefully and  
19 intently to the verbal evidence,  
20 closely examine the physical evi-  
21 dence, accept the law as given by  
22 the Court in its charge to the jury,  
23 and, applying that law to the evi-  
24 dence, form his opinion as to the  
25 guilt or innocence and then cast

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1 his vote accordingly.

2 "Once a juror has decided upon a proper  
3 position as to guilt or innocence,  
4 the law does not say he cannot  
5 change his position. In fact, it  
6 is the duty of a juror to change  
7 his position as to guilt or inno-  
8 cence should he be actually con-  
9 vinced by a reconsideration of the  
10 evidence, discussion and analysis  
11 of the evidence with his fellow  
12 jurors, or otherwise that his pre-  
13 vious position was an incorrect one  
14 under the law and the evidence, and  
15 that the position to which he has  
16 changed it is a correct one under  
17 the law and the evidence.

18 "The only way in which a juror can pro-  
19 perly change his position as to  
20 guilt or innocence is if he is  
21 convinced he is changing to a  
22 proper position. It would be a  
23 violation of the law and a viola-  
24 tion in your oaths as jurors to  
25 change your position and your vote

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1 as to guilt or innocence merely for  
2 the reason that your original posi-  
3 tion was adhered to by a minority  
4 of the voters. It would likewise  
5 be improper for a juror to change  
6 his position for the purpose of  
7 speeding up the termination of his  
8 service as a juror on the case, or  
9 for any other reason which would  
10 cause his vote not to reflect his  
11 honest opinion as to guilt or inno-  
12 cence under the law and the evi-  
13 dence."

14 Gentlemen of the Jury, I will now hand  
15 you the responsive verdicts, and  
16 you will cast your vote.

17 MR. DYMOND:

18 If the court please, we would like an  
19 opportunity to object to a parti-  
20 cular part of this charge before  
21 you do that.

22 THE COURT:

23 All right. You may proceed.

24 MR. DYMOND:

25 First of all, on the bottom of page 5

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1 of the charge --

2 THE COURT:

3 I have it.

4 MR. DYMOND:

5 -- we object to the statement that the  
6 prosecution must establish guilt by  
7 legal and sufficient evidence be-  
8 yond a reasonable doubt, but the  
9 rule does not go further and re-  
10 quire a preponderance of testimony.

11 This objection is based upon the fact --

12 THE COURT:

13 I tell you what. That sentence is not  
14 necessary. I will advise the jury,  
15 but the rule does not -- I will ask  
16 them to disregard that sentence:

17 "....but the rule does not go further  
18 and require a preponderance of  
19 testimony." Gentlemen, disregard  
20 that (part of the) sentence. "The  
21 prosecution (the State) must estab-  
22 lish guilt by legal and sufficient  
23 evidence beyond a reasonable doubt"  
24 -- period -- and I will strike the  
25 rest of that sentence.

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1 MR. DYMOND:

2 Your Honor, the only other objection is  
3 on the nine-out-of-twelve verdict  
4 to which we object. We have a  
5 special charge submitted on that.

6 THE COURT:

7 All right. (Handing document to Sheriff)  
8 Here you are, Sheriff.

9 MR. DYMOND:

10 The objections on due process -- I would  
11 like to reserve a bill.

12 THE COURT:

13 Do any of the jurors wish to view any  
14 of the exhibits before retiring?  
15 (NO RESPONSE)

16 THE COURT:

17 All right. The twelve gentlemen seated  
18 will go up. When you get upstairs  
19 safely, then I will be able to  
20 excuse the two alternates.

21 (Whereupon, the jury retired.)

22 THE COURT:

23 The two alternates here with us are now  
24 excused from the case. Thank you  
25 very much for your service.

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1 Court will be in recess awaiting the  
2 verdict.

3 (Whereupon, a recess was taken at 12:10  
4 o'clock a.m.)

5 AFTER THE RECESS:

6 THE COURT:

7 The jury has returned.

8 Gentlemen, have you arrived at a verdict?

9 Don't state what it is, just say  
10 yes or no.

11 (The Foreman nodded affirmatively.)

12 THE COURT:

13 Sheriff, will you give it to me, please.

14 (Verdict handed to the court.)

15 THE COURT:

16 Stand up, Mr. Shaw.

17 Mr. Clerk, you may read it, sir.

18 THE CLERK:

19 (Reading)

20 "March 1, 1969, New Orleans, Louisiana.

21 "We the Jury find the defendant not  
22 guilty."

23 THE BAILIFF:

24 Order in court, please.

25 THE COURT:

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1 Read the rest of it.

2 THE CLERK:

3 Signed "Sidney J. Hebert, Jr."

4 THE COURT:

5 Does the State wish to poll the jury?

6 (NO RESPONSE)

7 THE COURT:

8 The State has not requested a poll of  
9 the jury, so let the verdict be  
10 recorded as a legal verdict.

11 Will you just have a seat, Mr. Shaw. I  
12 will order you discharged without  
13 date. I would like you to just  
14 have a seat until I get rid of the  
15 jury.

16 Sheriff, I have the discharge certifi-  
17 cates for the twelve jurymen, and  
18 I have put a memorandum of service  
19 January 21 to March 1, and this  
20 will be a memento of your service,  
21 and I am further writing an order  
22 to the Jury Commissioners ordering  
23 your names removed from the wheel  
24 for the rest of your lives.

25 Now on behalf of all concerned I want

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1 to thank you citizens for having  
2 discharged such an onerous burden  
3 without cost to the City.

4 Let everybody have a seat, Sheriff, and  
5 let the jurors be escorted out of  
6 the court.

7 Quiet, please.

8 Gentlemen of the Jury, you are herewith  
9 discharged from the case, and I  
10 thank you for your citizenship.

11 Let the jurors leave first, and after  
12 they leave then the press can leave  
13 after that.

14 This court stands adjourned until next  
15 Wednesday morning, March 5.

16  
17 .... Thereupon, at or about 1:15 o'clock  
18 a.m., the proceedings herein were  
19 concluded....  
20  
21  
22  
23  
24  
25

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